

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

2
3
4
5
6

GOVERNMENT OF THE DISTRICT OF COLUMBIA

* * * * *

TAXICAB COMMISSION

* * * * *

REGULAR COMMISSION MEETING

* * * * *

WEDNESDAY

NOVEMBER 14, 2007

* * * * *

The Commission met, pursuant to
agreement, at 10:00 a.m. in Room 204, 2041
Martin Luther King, Jr., Avenue, S.E.,
Washington, D.C. 20020, Leon J. Swain, Jr.,
Chairperson, presiding.

PRESENT:

LEON J. SWAIN, JR.	Chairperson
SANDRA C. ALLEN	Commissioner
A. CORNELIUS BAKER	Commissioner
WILLIAM H. CARTER, IV	Commissioner
STANLEY W. TAPSCOTT	Commissioner
THERESA N. TRAVIS	Commissioner
DOREEN THOMPSON, ESQ.	General Counsel

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

TABLE OF CONTENTS

PAGE

1.Call to Order.....	3
2.Moment of Silence.....	3
3.Determination of Quorum.....	3
4.Communication from the Chairperson	5
5.Update on Status of Task Force.....	5
6.Status of past minutes and transcripts.....	7
7.Continuation of discussion to decriminalize loitering by taxicabs.....	9
8.Time and Distance Meter Proposed Rulemaking.....	36
9.Regional Taxicab Administrators focus on a reciprocity agreement...	124
10.Fuel Surcharge.....	149

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1

2

P-R-O-C-E-E-D-I-N-G-S

3

10:19 a.m.

4

CHAIRPERSON SWAIN: Good morning.

5

I'd like to call to order the regular

6

Commission Meeting for the D.C. Taxicab

7

Commission.

8

Today is November the 14th, and the

9

time is 10:19 and 30 seconds. I'd like to

10

call for a moment of silence, please.

11

(Moment of silence is taken.)

12

CHAIRPERSON SWAIN: Thank you very

13

much. Madame Secretary, could you -- I'm

14

sorry.

15

MS. THOMPSON: That's okay.

16

CHAIRPERSON SWAIN: Okay, could you

17

determine if we have a quorum, please, ma'am?

18

MS. THOMPSON: Commissioner Allen?

19

COMMISSIONER ALLEN: Present.

20

MS. THOMPSON: Commissioner Baker?

21

(No response.)

22

MS. THOMPSON: Commissioner Carter?

14

15

NEAL R. GROSS

16

COURT REPORTERS AND TRANSCRIBERS

17

1323 RHODE ISLAND AVE., N.W.

18

(202) 234-4433

WASHINGTON, D.C. 20005-3701

www.nealrgross.com

1 COMMISSIONER CARTER: Yes.

2 MS. THOMPSON: Commissioner
3 Tapscott?

4 COMMISSIONER TAPSCOTT: Yes.

5 MS. THOMPSON: Commissioner
6 Heinemann?

7 (No response.)

8 CHAIRPERSON SWAIN: Commissioner
9 Pahwa?

10 (No response.)

11 MS. THOMPSON: Commissioner Travis?

12 COMMISSIONER TRAVIS: Here.

13 MS. THOMPSON: And Commissioner
14 Baker, I think I missed him, Mr. Baker?

15 COMMISSIONER BAKER: Yes.

16 MS. THOMPSON: I do not have a
17 quorum. So if there are items that we need to
18 vote on we will have to either wait for other
19 Commissioners attending, but we can, according
20 to the rules, conduct our meeting.

21 CHAIRPERSON SWAIN: Thank you,
22 ma'am. First of all, I appreciate everybody

20

21

22

23

24

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 coming today. I realize it's been awhile
2 since we had our last meeting, since we've
3 gone back to the every other month rotation.

4 But, I look forward to having a
5 very good meeting and hopefully we can discuss
6 some matters of concern to each and every one
7 of us.

8 This is the part for communication
9 from the Chairman. Basically, what I'd like
10 to do is I'd like to remind every -- yes?

11 What I'd like to do is remind
12 everyone of the Task Force that's about to
13 commence with our Council Member Jim Graham.
14 I understand that the final list has been made
15 and I'm looking forward to receiving a copy of
16 that sometime today.

17 There are a number of people who I
18 know that have been assigned, but, like I say,
19 I'm going to wait for the final copy. As soon
20 as I get the final copy, it should be, maybe
21 before we finish the meeting today.

22 If it's made available to me prior

26

27

28

29

30

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 to the end of the meeting, I will definitely
2 make it available to everyone else. Another
3 area of concern that I want to talk about is
4 definitely going to be the test.

5 In light of meters, I think we
6 really have to have a real serious discussion
7 on what, what direction the test is going to
8 go in.

9 We have approximately 1,600 people
10 awaiting to take the test, so I'm going to be
11 asking to meet with the Educational Committee,
12 ASAP so we can go ahead and figure out what
13 direction we need to go in, so we can either
14 administer the tests or find out what
15 direction we have to go in, legally, because
16 of the changes made to our fare system.

17 Or pending changes that are going
18 to be made to our fare system. Additionally,
19 we'd like to, I'd like to see a continuation
20 of the discussion on the criminalization of
21 the loitering by taxicabs.

22 I realize that that's going to be

1 a vote item, but I think that if there's some
2 discussion, we need to finish that discussion
3 and get that into the pipeline because I don't
4 want to see Cab Drivers arrested for
5 loitering.

6 And you know we more or less got
7 sidestepped at our September meeting, but I'd
8 like to get that back on line so we can go
9 ahead and address that issue.

10 Let's see. Then we'll have our
11 public comments, the status of our minutes and
12 transcripts. Madame Secretary, do you want
13 that part, or do you want me to go ahead and
14 finish with that?

15 MS. THOMPSON: I'll go ahead and,
16 we've pretty much based some of our
17 transcripts on a whole, because there seemed
18 to be a lot of errors.

19 Particularly the two meetings that
20 we had at the ARC, so we're going to have to
21 go back and make sure those are corrected.
22 And, in fact, I'll contact a number of

1 Commissioners just to ask them, maybe I'll
2 send it to you electronically, not that you
3 want a huge document like that.

4 If I see something that I didn't
5 think that was what was said, I'm going to try
6 and get it to the Commissioners just to ask
7 them was that, is that accurate, in trying to
8 get that accurate.

9 We also have a number of minutes
10 that we're behind on, because we have a pretty
11 small staff. So our priorities, really, for
12 the last few months, have been all around this
13 meter business and getting the survey then
14 getting the meter rules in place.

15 So we intend to get back to, or
16 getting caught up in terms of the minutes, and
17 certainly immediately to try to get the
18 transcripts on-line, so that if someone wants
19 to see what occurred, they at least have a
20 chance.

21 CHAIRPERSON SWAIN: Okay. Good
22 morning, Mr. Baker.

1 COMMISSIONER BAKER: Good morning.

2 CHAIRPERSON SWAIN: How are you
3 doing, sir?

4 COMMISSIONER BAKER: Good.

5 CHAIRPERSON SWAIN: That's good.
6 Let the record reflect that we've been joined
7 by Commissioner Baker, so we do officially
8 have a quorum for voting matters.

9 You picked a good time, Mr. Baker,
10 to come because we were just about to talk
11 about the continuation of continuing our
12 discussion having to do with the
13 decriminalization of the loitering by
14 Taxicabs. Does everybody have a copy?

15 MS. THOMPSON: You might recall at
16 one of the meetings we had with the ARC, we
17 were discussing this issue. And actually
18 there was another document that was created.

19 And the idea was to officially, of
20 course, the D.C. Code, it has loitering as a
21 misdemeanor offense. And the sense of the
22 Commission was that this should become a civil

50

51
52
53
54**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 infraction.

2 I might add that some of our
3 Inspectors are issuing civil infractions
4 tickets as we speak.

5 So we do need to get this cleared
6 up. And where, there was a question, I think
7 there was some confusion on the part of one
8 Commissioner who actually thought that by
9 decriminalizing it, we would actually no
10 longer have any penalties at all.

11 But it would become a civil
12 penalty, meaning a ticket, the kinds of things
13 that you normally get as opposed to a
14 misdemeanor criminal offense.

15 So that was the discussion. So I
16 don't think there are any further discussions
17 at this time.

18 CHAIRPERSON SWAIN: Miss Travis.

19 COMMISSIONER TRAVIS: Because
20 you're saying that according to that it was a
21 criminal misdemeanor, but part of that was a
22 criminal charge, infraction at the same time.

1 There are two parts to that.

2 Under Title 31, was the
3 misdemeanor which the fine is ten or \$20.00 or
4 so. But also under the other part of that, it
5 could have an attached fine up to, it was a
6 criminal offense and it could be up to a
7 \$300.00 fine.

8 MS. THOMPSON: I'm not quite sure
9 where you're looking?

10 COMMISSIONER TRAVIS: At the bottom
11 of this. At the bottom of this it reads,
12 violations under these provisions shall be
13 punishable by a fine not to exceed \$300.00 or
14 imprisonment for not more than 90 days, or
15 both, for each violation.

16 MS. THOMPSON: Yeah, and we looked
17 at that very carefully. And that provision is
18 actually referring to the provision right
19 above it.

20 It said violation of this
21 provision. And the provision before it is the
22 one that says it shall be unlawful for any

1 keeper, proprietor or agent, acting for the
2 whatever, hotel or district, excluding
3 district licensed Taxicab Driver from picking
4 up.

5 The part that deals with the
6 loitering is actually the first paragraph.
7 And it says, either by stopping or slow
8 driving, as aforesaid, shall be deemed guilty
9 of a misdemeanor and punished in the Superior
10 Court of the District of Columbia by fine of
11 not less than \$10.00, no more than \$40.00, for
12 such offense.

13 So, it's a little confusing the
14 way that paragraph is written.

15 COMMISSIONER TRAVIS: Right, it is,
16 because that part is no problem with that
17 part. But there's the part, the problem was
18 with the high fines and criminal, that's the
19 part we need to clear up.

20 MS. THOMPSON: Well, the plan would
21 be to clear up that first part and separate
22 that out. But you'd also make sure that the

1 first part is not a misdemeanor.

2 That it is, in fact, just a civil
3 fine. But currently it's a misdemeanor.
4 Which would mean, in essence, that the Cab
5 Driver, the Police could arrest the Cab Drive
6 and, you know, not that they're doing it for
7 that amount of money.

8 They have a little process they
9 use where, essentially, the Cab Driver pays
10 the money, because it's probably too much
11 paperwork on their part to process that.

12 But the plan is to ensure that
13 this no longer says guilty of a misdemeanor
14 and punishment in Superior Court of the
15 District of Columbia, by fine of not less than
16 \$10.00, and say it's a civil fine.

17 COMMISSIONER TRAVIS: Okay, but
18 what about the second part?

19 MS. THOMPSON: The second part --

20 COMMISSIONER ALLEN: It should be
21 separated.

22 MS. THOMPSON: -- should be

74

75

76

77

78

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 separated.

2 COMMISSIONER TRAVIS: Okay, but we
3 will address the second part, too?

4 MS. THOMPSON: If you wish to.
5 This is the one that has to do with the
6 hotels. We're only dealing with loitering by
7 then Taxicabs when they're driving around or
8 driving around slowly.

9 The second part seems to deal with
10 the hotels acting to exclude any District-
11 licensed Taxicab Driver from picking up
12 passengers at any Hack Stand or other location
13 where Taxicabs are regularly allowed to pick
14 up passengers, on the hotel premises.

15 So I don't know whether you want
16 to deal with that at all.

17 CHAIRPERSON SWAIN: Mr. Tapscott.

18 COMMISSIONER TAPSCOTT: Yes, you
19 know this thing has bothered me for many, many
20 a year. Number one, did I understand her to
21 say that we have, one, Hack Inspectors are
22 still issuing tickets for this?

1 CHAIRPERSON SWAIN: She said that
2 there is a Hack Inspector issuing tickets,
3 yes.

4 COMMISSIONER TAPSCOTT: Couldn't
5 we --

6 MS. THOMPSON: Could I clarify
7 that, I'm sorry.

8 CHAIRPERSON SWAIN: Excuse me.

9 MS. THOMPSON: No. Our Hack
10 Inspectors, one of the things, and Ms. Travis
11 is pointing this out. In 31 DCMR, you also
12 have loitering, and it's listed as a civil
13 fine.

14 So our Hack Inspectors in the past
15 have issued a civil fine. Even though in the
16 D.C. Code and for everyone that's in the
17 audience, the D.C. Code is what the Council
18 enacts, and that always takes precedence over
19 the regulations.

20 Okay, it's the regulations are
21 done pursuant to the authority given to the
22 Agency by law. So I suspect, over the years,

1 something just was not changed.

2 And they continued to do the
3 civil. So what we're doing now is to conform
4 it. To essentially make sure that what it
5 says in the D.C. Code and what it says in the
6 DCMR, states the same thing. That it's a
7 civil fine.

8 COMMISSIONER TRAVIS: And not a
9 felony.

10 MS. THOMPSON: Right.

11 CHAIRPERSON SWAIN: Mr. Tapscott,
12 please continue.

13 COMMISSIONER TAPSCOTT: All I would
14 like to say is since there's a confusion here
15 right now, wouldn't you have, Mr. Swain, the
16 authority to tell the Hack Inspector to lay
17 off this law until it's changed or whatever.

18 Now, the second part, the speed
19 limit in D.C. is 25 miles an hour, which is
20 very slow. It says slow driving. What
21 constitutes slow driving?

22 Is it traffic might be heavy, so

92

93

94

95

96

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that's slow driving? And you know, when the
2 Hack Inspector is going to give me a ticket
3 for slow driving, I think it needs to be some
4 guideline here, what are we saying about slow
5 driving?

6 Slow driving, in my opinion, where
7 a very few people honor the 25 mile an hour
8 zone in D.C. Most people drive 30 or 35. So,
9 25 miles an hour could be considered slow
10 driving.

11 I think we need to bring out what
12 is slow driving? And with what Ms. Travis
13 said, this 50.371, the way I see it, it's all
14 one regulation.

15 We've got one regulation and the
16 Council has one regulation. So which holds
17 precedent?

18 CHAIRPERSON SWAIN: Well, the
19 Council's regulation would probably supercede
20 our regulation, but what we're trying to do is
21 we're trying to separate the two, so that the
22 Cab Driver will not be charged criminally for

1 loitering.

2 And that's what we're trying to
3 do.

4 COMMISSIONER TAPSCOTT: But still,
5 under this law, they still could be charged
6 for criminal, right? Now, what if we separate
7 the two?

8 CHAIRPERSON SWAIN: Well, that's
9 what we're trying to do with rule.

10 MS. THOMPSON: That's what we're
11 trying to do, Mr. Tapscott. The point here is
12 to, well not for rule making. The point is
13 you have to make an amendment to this law.

14 It's a law. Meaning that it's not
15 ours. It applies to the Agency, but it's not
16 ours. And then it would have to go before the
17 Council to be approved that, in essence, we
18 want loitering to no longer be considered a
19 misdemeanor.

20 COMMISSIONER TAPSCOTT: Well, that
21 what I would like to see it go before the
22 Council, that's my point.

1 CHAIRPERSON SWAIN: But that's what
2 we're trying to do now.

3 MS. THOMPSON: That's what we're
4 doing, that's what we're trying to do now.

5 CHAIRPERSON SWAIN: Yes, Ms. Allen.

6 COMMISSIONER ALLEN: Commission
7 Chairman, I would like to put a motion on the
8 floor that we change the loitering of public
9 cabs, change the Code to read that loitering
10 is a civil infraction and not a misdemeanor.

11 And when it comes to slow driving,
12 instead of it just saying, slow driving, slow
13 driving obstructing traffic, to define slow
14 driving, and then driving at five miles an
15 hour and you're obstructing traffic, then that
16 should take away just the work slow driving,
17 and gives it a definition.

18 And it is causing some traffic
19 jam, some disturbance to the flow of traffic.
20 That's my motion.

21 CHAIRPERSON SWAIN: Yes, ma'am. Do
22 I have a second?

1 COMMISSIONER TRAVIS: I would
2 second that.

3 CHAIRPERSON SWAIN: It's been
4 placed and it has been properly seconded by
5 Ms. Travis. Are there any other further
6 discussion?

7 (No response.)

8 CHAIRPERSON SWAIN: Hearing none,
9 I'll call for a vote. All in favor?

10 (Chorus of ayes.)

11 CHAIRPERSON SWAIN: All opposed?

12 COMMISSIONER TAPSCOTT: Well, I'm
13 not opposed right now. I guess as I read
14 this, should the public have any input in all
15 of this, before we vote on it?

16 Do we want the public to have any
17 input? They may have something that might be
18 helpful to us, to make us comfortable with our
19 vote.

20 CHAIRPERSON SWAIN: I personally
21 don't think that there's anyone --

22 MS. THOMPSON: The process is once

1 we've drafted this provision, it's presented,
2 it goes up through the Attorney General's
3 Office to the Mayor's Office.

4 The Mayor sends it over to the
5 Chairperson. The Chairperson sends it to Jim
6 Graham. He holds a hearing on it, if he
7 chooses to.

8 So there's another opportunity for
9 public comments, because it's legislation. I
10 said if he chooses to. I suspect he may have
11 to.

12 The other suggestion is that as
13 this legislation is moving, I would suspect,
14 if the Task Force is operating, there may also
15 be some other changes.

16 So it will get an opportunity for
17 additional airings.

18 CHAIRPERSON SWAIN: Mr. Tapscott.

19 COMMISSIONER TAPSCOTT: I'll vote
20 yes.

21 CHAIRPERSON SWAIN: Okay. So,
22 that's it, it has been passed. Yes.

1 COMMISSIONER TRAVIS: Mr.
2 Chairperson, I would like to look at the second
3 part of the other one, because I just don't
4 see them being criminal charges either. I
5 think, I can't remember that --

6 MS. THOMPSON: That's the one, do
7 you want me to read it for you?

8 COMMISSIONER TRAVIS: Yes, please.

9 MS. THOMPSON: All right. That's
10 the provision that's applying to the hotel
11 proprietor or agent acting for the keeper or
12 proprietor of any licensed hotel in the
13 District.

14 And it says it shall be unlawful
15 for any keeper or proprietor or agent acting
16 for the keeper or proprietor of any licensed
17 hotel in the District of Columbia, to exclude
18 any District licensed Taxicab Driver from
19 picking up passengers at any Hack Stand or
20 other location where Taxicabs are regularly
21 allowed to pick up passengers on the hotel
22 premises.

1 A violation of this provision
2 shall be punishable by a fine not to exceed
3 \$300.00, or imprisonment for not more than 90
4 days or both, for each violation hereon.

5 CHAIRPERSON SWAIN: I'm sorry, Mr.
6 Tapscott, I saw his hand first.

7 COMMISSIONER TAPSCOTT: It says
8 picking up passengers on the hotel premises.
9 That is different than the street. A lot of
10 hotels are on the street and they don't
11 control it.

12 Now you take Wardman Park, you go
13 on their property. The Hilton Hotel, you go
14 on their property. But 90 percent of the
15 hotels are on the street.

16 MS. THOMPSON: The Mayflower.

17 COMMISSIONER TAPSCOTT: The
18 Mayflower, The Madison, they're on the street,
19 so this law only applies, if a Hack Inspector
20 is issuing tickets on the street, I think we
21 need to take a look at that.

22 Because it says pick up passengers

1 on hotel property.

2 CHAIRPERSON SWAIN: Go ahead, Ms.
3 Allen.

4 COMMISSIONER ALLEN: This is for
5 the hotels, this is not for Cab Drivers. This
6 is for the proprietors of hotels and
7 proprietors of other establishments for them
8 to be fined for stopping drivers for picking
9 up passengers, licensed drivers.

10 This does not, this regulation
11 does not pertain to the drivers themselves.
12 It is the hotel owners and other agents of the
13 hotels.

14 And they are to be fined, not the
15 drivers. This fine goes to the businesses.
16 It's against the hotel. Okay? And I can see
17 at no point that we should even be considering
18 this.

19 Because to me, \$300.00 is a very
20 good fine. So, you know, I don't see one
21 thing the conversation for denial or changing
22 this, unless you're going to increase the

1 amount of the fine.

2 That's my take on this. I don't
3 have a motion, but that's, I just wanted to
4 let Mr. Tapscott and others, now we're not
5 talking about fining the drivers, we're not
6 talking about fining the companies.

7 These are about fining those folks
8 that will tell you to get off of their
9 property.

10 MS. THOMPSON: Let me add one point
11 of clarification. Usually, legally, whenever
12 a fine is written, so that it says not to
13 exceed \$300.00, or imprisonment, it's usually
14 a criminal fine.

15 So, if the thinking is that we
16 might also need to provide that the \$300.00
17 can be issued civilly.

18 COMMISSIONER ALLEN: No, that's a
19 crime. When they take drivers, push drivers
20 off of their property, that's a criminal
21 offense.

22 That's just like you picking me up

1 and making me get off of District property. I
2 wasn't trying to change any type of offense, I
3 was just trying to explain it. But I do feel
4 it's criminal.

5 CHAIRPERSON SWAIN: Yes, Mr.
6 Tapscott.

7 COMMISSIONER TAPSCOTT: Have we had
8 any drivers fined, that you know of, under
9 this regulation, \$300.00 or threatened with
10 jail time?

11 COMMISSIONER TRAVIS: No, it
12 doesn't apply to the drivers.

13 COMMISSIONER ALLEN: It doesn't
14 apply to the drivers.

15 COMMISSIONER TAPSCOTT: I
16 understand now, the way Mrs. Allen explained
17 it, but I'm asking, in the past, have we had
18 any drivers fined under this provision? Or
19 fined under this.

20 CHAIRPERSON SWAIN: None have
21 brought it to our attention.

22 MS. THOMPSON: And it wouldn't have

152

153
154
155
156**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 held up. Because what happens, when we issue
2 tickets, they have to go to adjudication. And
3 so it wouldn't be applicable to the drivers.

4 COMMISSIONER TAPSCOTT: But my
5 understanding, the reason why we brought this
6 discussion up was because drivers were subject
7 to a \$300.00 fine and imprisonment. Which is
8 not true, right? The drivers are not, only
9 the hotels.

10 CHAIRPERSON SWAIN: The way that,
11 yes.

12 COMMISSIONER TRAVIS: Previously,
13 the one that I was just talking about was one
14 with the \$120.00 more fine, in the first part
15 of that.

16 I got the clarity that that does
17 apply to the second part of that. I, somehow
18 or another, this is just my personal feelings
19 about it, that I would like to see that fine
20 increase, but I still, it doesn't warrant
21 criminal charges, to me.

22 But I would like to see that fine

1 increased from the \$300.00 to punish
2 proprietors who try to stop drivers from
3 picking up or coming on their property.

4 MS. THOMPSON: Can I offer a
5 suggestion? What we find often is even
6 though, you know, criminal penalties are
7 stronger penalties, we, for example, here
8 would no longer enforce that.

9 What would happen here is we would
10 identify what occurred and then we'd have to
11 either go to OAG or the U.S. Attorney's
12 Office, as opposed to when it's a civil crime
13 here, our people are able to issue the
14 tickets. That's one of the distinctions.

15 COMMISSIONER CARTER: A question,
16 Mr. Chair.

17 CHAIRPERSON SWAIN: Yes, sir, Mr.
18 Carter.

19 COMMISSIONER CARTER: It seems like
20 it's a law that's on the books but we don't
21 enforce it. And since we don't enforce it,
22 why are we considering it?

1 CHAIRPERSON SWAIN: We enforce a
2 portion of it.

3 COMMISSIONER CARTER: What?

4 CHAIRPERSON SWAIN: Well, the first
5 portion that has to do --

6 MS. THOMPSON: The first half.

7 CHAIRPERSON SWAIN: The first half,
8 that has to do with the loitering, and that's
9 what we're trying to do. We're trying to
10 decriminalize that so the Cab Drivers will not
11 be criminals.

12 COMMISSIONER CARTER: But my
13 question still remains. The second part of
14 the law, or the second paragraph, doesn't
15 really pertain to us or at our discussion to
16 enforce.

17 So, my thing would be to narrow
18 our search. We're only concerned with the
19 first portion, not the second portion.

20 There's no, in the second portion
21 dealing with the hotels, we don't enforce that
22 portion. We only report that portion.

1 CHAIRPERSON SWAIN: Yes, that's
2 certainly right, we don't enforce that
3 portion. But the only thing we were
4 attempting to do in the beginning, was to
5 address C-

6 COMMISSIONER CARTER: Paragraph
7 One.

8 CHAIRPERSON SWAIN: -- Paragraph
9 One, yes. Any other additional questions?

10 MS. THOMPSON: Well, I might just
11 add in using the term we don't enforce it, I'm
12 really just clarifying that enforce meaning we
13 don't write the ticket.

14 CHAIRPERSON SWAIN: We don't write
15 the ticket, yes.

16 MS. THOMPSON: We would be the
17 people who would identify that that's --

18 CHAIRPERSON SWAIN: Right, and file
19 the report.

20 MS. THOMPSON: Put together all the
21 data and information and then present it to
22 the Office of the Attorney General or to the

1 U.S. Attorney's Office.

2 CHAIRPERSON SWAIN: That's right, I
3 stand corrected. Ms. Allen.

4 COMMISSIONER ALLEN: So, if we make
5 this a city rule instead of a criminal
6 infraction, then that would mean that we would
7 be the ones who win in court.

8 MS. THOMPSON: Or you could make it
9 both. For example, we have --

10 COMMISSIONER ALLEN: The only
11 reason I'm hesitating is because we can't
12 enforce what we're doing now. So why wouldn't
13 we add another, because we have not been
14 increased in budget and have enough people to
15 do all of the things that are necessary.

16 Why would we want to take it and
17 make it a civil, a civil infraction when it
18 would totally be our responsibility.

19 MS. THOMPSON: Well, I might add,
20 our Inspectors repeatedly -- the one hotel
21 that I can think of is The Madison and The, I
22 want to say Helix or something, where, in

182

183
184
185
186

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 essence, I'm not sure, I'd have to look at
2 this provision more carefully.

3 But what the Cab Drivers complain
4 about is the, there is an agent or someone
5 working for the hotel who then --

6 COMMISSIONER TAPSCOTT: Yes.

7 MS. THOMPSON: -- prefers certainly
8 people, gives preferential treatment to
9 certain people. Or they move the taxicabs
10 away off the hotel property. So we hear about
11 it quite a bit.

12 COMMISSIONER TAPSCOTT: The
13 driveway.

14 MS. THOMPSON: The drive part.

15 COMMISSIONER TAPSCOTT: That's not
16 their property, that's D.C. Government
17 property.

18 COMMISSIONER ALLEN: It can't be
19 Madison, maybe the Doorman is telling you to
20 move on, but you're not on their property.

21 They don't have a drive through.
22 You can go straight up 15th Street and

1 Madison's door is on 15th Street. So I don't
2 see it.

3 MS. THOMPSON: Well, there's The
4 Helix, there's some, there's a hotel. We'll
5 get the name of it.

6 COMMISSIONER TAPSCOTT: All right,
7 that is the --

8 MS. THOMPSON: No, no, there's
9 another hotel, a small hotel that people
10 complain about.

11 COMMISSIONER ALLEN: On 17th Street.

12 MS. THOMPSON: And the Madison,
13 there's come complaint about some preference.

14 COMMISSIONER TAPSCOTT: Yes.

15 MS. THOMPSON: Because we've heard
16 it a number of times. It may not be that it's
17 on the street, but we've gotten that a lot.

18 COMMISSIONER ALLEN: That's not
19 pertaining to this particular --

20 MS. THOMPSON: Regulation.

21 COMMISSIONER ALLEN: So that's all
22 I'm saying. We're discussing another part of

1 possible, and, like I have said before, I have
2 seen people push cabs away to give an
3 unlicensed limousine. In the District they
4 said, oh, don't take a cab, I've got a limo
5 for you.

6 And I've personally seen it and
7 personally spoke to the Doorman and have seen
8 that happen. But that's a whole different
9 issue. So, right now, I thought we were
10 talking about being on the hotel property.

11 And the street is not hotel
12 property.

13 MS. THOMPSON: Well, might I
14 suggest, you have the option. What this
15 seemed to me to be getting at is this
16 preferential treatment.

17 So if, in fact, you wanted to --

18 COMMISSIONER ALLEN: Change
19 something, we need to change something about
20 preferential treatment for, other than when
21 it's here, it must, there should be another
22 reg or another law indicating that the

1 District licensed drivers have preferential
2 treatment in the District of Columbia.

3 MS. THOMPSON: The suggestion I was
4 going to make was that you take this provision
5 and, in essence, you write it so that it
6 ensures that the kind of preferential
7 treatment that this is trying to stop here,
8 whether it is on the property or lined up on
9 the street, is prohibited.

10 So we could make some language
11 change. I can give some thought to it and we
12 can bring it back to another meeting.

13 CHAIRPERSON SWAIN: Yes, Ms. Allen.

14 COMMISSIONER ALLEN: I was getting
15 ready to say can we take this off for right
16 now and have an opportunity to rewrite it and
17 bring the wording back so that it covers the
18 things that are of concern.

19 Now that we have established the
20 fact that it is not about the drivers,
21 themselves, then we put the correct language
22 so that we can make sure that preferential

1 treatment is given to the drivers, but the
2 wording needs to be changed.

3 CHAIRPERSON SWAIN: That's fine.
4 We can go ahead. We can --

5 COMMISSIONER ALLEN: I said I'd
6 like to change --

7 CHAIRPERSON SWAIN: Yes, that's
8 what I was about to say. We can go ahead and
9 table that until we come back with new
10 language.

11 We've already talked about the
12 status of the past minutes and transcripts.
13 Time and distance proposal making. Any verbal
14 comments provided at the recent Council. I'm
15 sorry, Ms. Allen.

16 COMMISSIONER ALLEN: I was speaking
17 to Mr. Baker and I indicated that I can't
18 comment on something that I have not read yet.

19 This is my first encounter with
20 that.

21 CHAIRPERSON SWAIN: Yes, and it is
22 on the website and it has been posted.

1 COMMISSIONER ALLEN: Mr. Chairman.

2 CHAIRPERSON SWAIN: Yes, ma'am.

3 COMMISSIONER ALLEN: It may be on
4 the website and it may be on my e-mail, which
5 I can't open. So that means, because it's
6 jammed. So I've had no opportunity, until
7 now, to look at it. Okay.

8 CHAIRPERSON SWAIN: Yes, ma'am.
9 Ms. Travis, oh, I thought you were going to
10 say something.

11 COMMISSIONER TRAVIS: No, no, I
12 didn't. In fact, I couldn't hear what you
13 were saying Council Chair.

14 CHAIRPERSON SWAIN: Oh, I'm sorry.

15 COMMISSIONER TRAVIS: If you don't
16 mind speaking up a little louder.

17 CHAIRPERSON SWAIN: Yes, ma'am.
18 Yes, Mr. Tapscott.

19 COMMISSIONER TAPSCOTT: I agree
20 with Ms. Allen completely. Everybody does not
21 have website. I've got a computer and a lot
22 of times I get information over here that I

1 cannot open up on my computer.

2 And I don't anything of what's
3 going on. So, I know the new day is computer,
4 but until the District pays for every
5 Commissioner to have a computer, I don't think
6 we can enforce these regulations.

7 CHAIRPERSON SWAIN: You don't think
8 we can enforce these regulations?

9 COMMISSIONER TAPSCOTT: No, that I
10 have to go in my computer to get this
11 information.

12 CHAIRPERSON SWAIN: Well, I will
13 also tell you it's in your box, sir. Yes,
14 sir, Mr. Baker.

15 COMMISSIONER BAKER: Maybe it would
16 be helpful for us to understand the process of
17 what's expected of us today. I just, you
18 know, yesterday we got the agenda for the
19 meeting.

20 There were no other attachments,
21 so this is the first time that we're reading
22 this. Nor did we get any e-mail telling us

1 that the regulations were on the website and
2 to download them. But I just think as a
3 matter of efficient business, I mean many of
4 us serve on other commissions, both federal
5 and local, and when we get our agenda, get the
6 materials in advance, they are mailed to us,
7 and we're able to make informed decisions and
8 act accordingly.

9 And I just don't understand, to
10 spite the short staff-ness here, why this is a
11 consistent pattern with the Taxicab
12 Commission.

13 CHAIRPERSON SWAIN: Well, I'll tell
14 you what, sir. I understand that, I don't
15 think it's a consistent pattern with the
16 Taxicab Commission, but I'll tell you what we
17 can do.

18 What we can do, sir, we can have
19 another meeting in December which will allow
20 everyone more than ample time, it will still
21 be within the 60-day time limit period to
22 review it.

1 And then we can come back in
2 December and we can further discuss it then.
3 That would give everybody ample time to review
4 the matter.

5 COMMISSIONER BAKER: I mean I
6 think, well, yeah, that would, that's
7 obviously a solution. We'll just need to try
8 to schedule a day, it's the holiday season.

9 Hopefully, we can have a meeting
10 that has a single agenda item and we can get
11 in and get out.

12 CHAIRPERSON SWAIN: Do you want to
13 go ahead and schedule that now, while we have
14 everyone here?

15 COMMISSIONER BAKER: Sure.

16 CHAIRPERSON SWAIN: A suggestion
17 has been for the second Wednesday of December.

18 COMMISSIONER BAKER: On what day is
19 that? Is that the 12th?

20 CHAIRPERSON SWAIN: One second,
21 sir. Ms. Travis, is that good for you?

22 COMMISSIONER TRAVIS: Yes.

1 CHAIRPERSON SWAIN: Mr. Tapscott,
2 is that good for you?

3 COMMISSIONER TAPSCOTT: Yes.

4 CHAIRPERSON SWAIN: Mr. Carter?

5 COMMISSIONER CARTER: No.

6 CHAIRPERSON SWAIN: Okay, well I
7 will, I hear you Ms. Allen.

8 COMMISSIONER ALLEN: I said the
9 majority --

10 CHAIRPERSON SWAIN: She said the
11 majority --

12 COMMISSIONER TAPSCOTT: Okay, I'm
13 fine.

14 CHAIRPERSON SWAIN: Okay, and we
15 will notify the other two Commissioners that
16 there will be a meeting for this discussion on
17 December the 12th at 10:00, 10:00 a.m. here at
18 the Commission.

19 And we will make notification to
20 the other two Commissioners. Mr. Pahwa, I
21 understand is out of the country on travel.
22 And Mr. Heinemann is also traveling this week,

1 but we will also notify them.

2 COMMISSIONER TAPSCOTT: What about
3 the published, how do we do about that?

4 CHAIRPERSON SWAIN: Well, it's
5 going to be on the 12th, to give everybody,
6 what day did I say it was?

7 COMMISSIONER BAKER: It's a
8 Wednesday.

9 CHAIRPERSON SWAIN: It's a
10 Wednesday, I'm sorry.

11 COMMISSIONER TAPSCOTT: So that's a
12 full Commission meeting?

13 CHAIRPERSON SWAIN: No, Mr. Baker
14 said a special meeting for that day, is that
15 what you said?

16 COMMISSIONER BAKER: Right, to
17 consider the meter regulation.

18 COMMISSIONER TAPSCOTT: I don't
19 care what kind of meeting we hold, it's got to
20 be publicized to the public, isn't it?

21 CHAIRPERSON SWAIN: We're doing it
22 now. And we'll also put it out into the

1 public forum that we're holding a meeting.

2 COMMISSIONER BAKER: So is that
3 going to be the full commission meeting or is
4 that just going to be a meeting for the
5 Commissioners?

6 CHAIRPERSON SWAIN: No, it's a
7 full, it's a public meeting where, it's a full
8 Commission meeting, yes. That is the correct
9 date, Mr. Baker, December 12th?

10 COMMISSIONER BAKER: Yes.

11 CHAIRPERSON SWAIN: Yes.

12 COMMISSIONER TAPSCOTT: Mr. Baker,
13 what did you say the issue would be?

14 CHAIRPERSON SWAIN: The meters, the
15 proposed rule making for the meters. There
16 will be, what will happen is we will notify,
17 we will put it on our website.

18 We will put it on other things,
19 but we are curtailing a lot of the mailings.
20 Because, first of all, nobody ever answers
21 them.

22 That's quite all right. We look

1 at our budget, we're spending \$3,000.00 a year
2 in mailing and nobody ever shows up.

3 MR. PRICE: I have a question.

4 CHAIRPERSON SWAIN: Yes, sir, as
5 soon as I get to you.

6 MR. PRICE: My name is Nathan
7 Price. First I want to comment on this thing
8 of loitering. And down here it says comments
9 about other issues, on other issues by the
10 public.

11 But you don't allow us to comment
12 on the current issues that you're discussing.
13 One of the things that made me kind of upset
14 by the General Counsel of this Taxicab
15 Commission, since its inception, they're
16 always talking about the letter of the law,
17 they never talk about the intent of the law.

18 Let me talk about loitering.
19 Loitering at first was a misdemeanor, a civil
20 fine in Washington, until drugs became so
21 prevalent, they decided to make it criminal.

22 Then they went on to child

1 molestation or child predators, then they fit
2 under that. Taxicabs all of sudden were just
3 lumped under it.

4 No city in the United States uses
5 loitering by taxicabs as a criminal offense.
6 But we have, somehow we have said we're going
7 to do so.

8 To me, if we're going to play
9 copycat on other places how we do our fare
10 calculations, why don't we copycat on some of
11 these other things.

12 And as far as paying \$3,000.00 or
13 \$10,000.00 to mail out notices to Taxicab
14 Drivers, whether they come or don't come, it's
15 their money. They should be notified.

16 They have a right to be notified.
17 I ain't finished.

18 CHAIRPERSON SWAIN: Go ahead then,
19 I will ask you when you're finished.

20 MR. PRICE: Because, one thing is
21 for sure, anytime you're paying three
22 salaries, you're paying the rent. You're

1 paying for supplies.

2 You're paying for so much out of
3 their assessment money, they at least should
4 have the right to be notified about when
5 you're having meetings concerning the issues.

6 Now when they decide to attend,
7 that's their privilege. But, as far as
8 notification, to me, it's always hideous. All
9 of a sudden it say they cannot.

10 The shouldn't be notified because
11 we're cutting spending. Cutting spending, we
12 argued on cutting spending when we pay
13 \$106,000.00 a year for the rent of this place
14 come out of our assessment fund, so therefore
15 that, those are the kinds of things that we
16 need to cut spending on, instead of just
17 saying notification.

18 CHAIRPERSON SWAIN: Mr. Wright.

19 MR. WRIGHT: My comments are
20 similar to Mr. Price. I just can't understand
21 how most organizations have rules and
22 regulations about notifying the persons who

1 are entitled to be there and participate.

2 Now, as hot as this meeting's
3 issue this morning, if they had known you was
4 having a meeting this morning.

5 I called the radio this morning,
6 they didn't know nothing about it over there.

7 CHAIRPERSON SWAIN: You called who?

8 MR. WRIGHT: I called, I'm not
9 talking about you, I said I called radio who
10 broadcasts to our members, right, jobs. They
11 didn't know nothing about the meeting this
12 morning. That was 10:00 when I called.

13 CHAIRPERSON SWAIN: The full
14 Commission meeting has already been
15 publicized. It was already publicized that we
16 were having this meeting.

17 MR. WRIGHT: Well, I didn't hear a
18 notice this time, and I normally get a notice.
19 But I didn't get one. I understand you say
20 that you, and you just say why it hadn't been
21 previously told yesterday, naming that you're
22 going to cut our spending.

1 Who's money are you spending?

2 CHAIRPERSON SWAIN: I'm not
3 spending anybody's money. If I'm not spending
4 it, I'm not spending anyone's money.

5 MR. WRIGHT: No, when you said mail
6 out, who's money are you spending?

7 CHAIRPERSON SWAIN: The
8 Government's money.

9 MR. WRIGHT: The Government's money
10 that we contributed.

11 CHAIRPERSON SWAIN: Sir, not only
12 do you contribute to it, I contribute to it
13 and every citizen of the District of Columbia
14 contributes to it.

15 You act as though that all of this
16 money is personally coming out of your pocket.

17 MR. WILLIAMS: No, no, it's coming
18 out of Taxpayer's money and we contribute as
19 Taxpayers. And again, without even being
20 here, Cab Drivers contribute the dollars.

21 So, in essence, it's money we
22 contribute. And that's not the only money we

1 contribute. And I don't think you're right,
2 and why do you make it so hard for us, why do
3 we have to always fight to get some fair
4 treatment.

5 CHAIRPERSON SWAIN: Mr. Wright --

6 MR. WRIGHT: It's just like, it's
7 just like when we tried to have this public
8 hearing down there at 9th and G, and you
9 called that off because you didn't want to
10 hear what was really coming out.

11 You don't want the drivers to be
12 here, that's your problem.

13 CHAIRPERSON SWAIN: Excuse me, Mr.
14 Wright, you know, I would normally let you sit
15 there and go on like you normally do. But I'm
16 going to tell you, point blank.

17 MR. WRIGHT: Yes, I know.

18 CHAIRPERSON SWAIN: I hold more
19 meetings for drivers than any other
20 Commissioner you've ever had. My door --

21 MR. WRIGHT: I know, I know.

22 CHAIRPERSON SWAIN: Hold on, hold

1 on. My door is always, no, my door is always
2 open. You have been over here. Everybody
3 else has been over here and I have not turned
4 one single solitary person away.

5 MR. WRIGHT: I'm talking about
6 official meetings here.

7 CHAIRPERSON SWAIN: Sir, I'm, hey,
8 I'm talking about official meetings also. I
9 have been doing numerous meetings.

10 MR. WRIGHT: That's all I'm talking
11 about.

12 CHAIRPERSON SWAIN: I have been to
13 numerous meetings.

14 MR. WRIGHT: Official meetings is
15 all I'm talking about.

16 CHAIRPERSON SWAIN: Every meeting I
17 go to is official, sir.

18 MR. WRIGHT: Well, we're talking
19 about, come on, you can say anything you want.
20 We're talking about --

21 CHAIRPERSON SWAIN: As do you, sir.

22 MR. WRIGHT: -- the membership

1 being notified, the entire membership.

2 CHAIRPERSON SWAIN: Sir, the
3 membership was notified that we were having
4 this meeting. That has not been a secret.

5 It was notified back in September
6 we will be having this meeting and now you've,
7 and since you said that you needed additional
8 notification, than the other drivers and the
9 other Commissioners, it has been scheduled for
10 December.

11 Now, tell me, hold on, hold on,
12 sir.

13 MR. WRIGHT: -- the meetings that
14 you have, why is that the membership of these
15 various cab companies can't get notified.

16 CHAIRPERSON SWAIN: Sir, I've
17 already answered your question.

18 MR. WRIGHT: Because you save
19 money. That's the official answer, right?

20 CHAIRPERSON SWAIN: Yes, sir, Mr.
21 Baker.

22 COMMISSIONER BAKER: I just want to

1 go on record supporting the Chairman in this.
2 I just think that, you know, we need to find
3 ways of streamlining. There should be proper
4 notification.

5 Certainly the business of, for
6 both the Commissioners and the public, the
7 Commission should be, we should have our
8 materials in advance.

9 But I don't think we need to be
10 doing a personal mailing to every citizen,
11 every driver who wants one. We need to look
12 at, can we get the notice to the Post and have
13 it put in other Commission meetings that the
14 Post puts in the District Weekly.

15 And put it on the website and send
16 it to the Companies.

17 MR. WRIGHT: That's all I ask for.

18 COMMISSIONER BAKER: But not to
19 individual members of the companies.

20 MR. WRIGHT: I didn't say anything
21 about individual members.

22 COMMISSIONER BAKER: And that's it.

1 CHAIRPERSON SWAIN: Mr. Wright,
2 he's speaking, thank you.

3 COMMISSIONER BAKER: But may I ask
4 another question, Mr. Chairman, because I
5 don't think I still got an answer to --

6 CHAIRPERSON SWAIN: Yes, sir.

7 COMMISSIONER BAKER: -- my
8 question. I just want to be clear so that
9 when we come back in December the
10 Commissioners know what's expected of us, in
11 terms of our next step.

12 So, in December we'll come back
13 and we will have read this and we will be able
14 to offer recommendations for amendment. Is
15 that the process?

16 CHAIRPERSON SWAIN: You will be
17 able to offer recommendations. And those
18 recommendations will be made part of the
19 official record that will get back to the
20 Mayor, yes, sir.

21 COMMISSIONER BAKER: Great. And
22 then there are, but I also notice that the

1 closing date for written comments from the
2 public is in January.

3 CHAIRPERSON SWAIN: Yes, sir.

4 COMMISSIONER BAKER: Will we then
5 get those comments, and make further
6 recommendations?

7 CHAIRPERSON SWAIN: Any comments
8 that I have prior to that meeting or any
9 comments that I get prior to the January
10 meeting, I will make sure that you get a copy
11 of it, sir.

12 COMMISSIONER BAKER: Okay.

13 CHAIRPERSON SWAIN: So you can
14 review them.

15 COMMISSIONER BAKER: And then will
16 we, when is the closing date for the public
17 comments? I said it's in January, do we have
18 that date?

19 CHAIRPERSON SWAIN: I believe that
20 the date was January the 8th, but I'm sure
21 that I can probably get an extension of a
22 couple of days to cover our meeting in

1 January.

2 COMMISSIONER BAKER: Well, our
3 meeting is January 9th. So, it closes on the,
4 I guess I'm also trying to follow up a little
5 bit on Mr. Tapscott's early comment.

6 Is that, you know, I don't mind
7 making our own recommendations.

8 CHAIRPERSON SWAIN: Yes, sir.

9 COMMISSIONER BAKER: But I would
10 also like those recommendations informed by
11 the public. And so we're in a process now
12 where we're going to meet in December.

13 CHAIRPERSON SWAIN: Yes.

14 COMMISSIONER BAKER: Make
15 recommendations. But then the public is going
16 to make comments. We're meeting the day after
17 their comments are due.

18 So we probably won't have them
19 all. And so I'm just, one, I don't know if
20 the December meeting is really necessary, if
21 the public will not have commented.

22 CHAIRPERSON SWAIN: Well, there are

1 a number of comments that have been coming in
2 and I can make those available to you.

3 COMMISSIONER BAKER: Okay. And
4 then we have a meeting in January and then we
5 have a meeting in February or March?

6 CHAIRPERSON SWAIN: March.

7 COMMISSIONER BAKER: March. And
8 after the January closing and after our
9 meeting, what's the steps in the
10 recommendations go to the Mayor, will there be
11 a final rule that goes to the Council?

12 I'm just trying to figure out how
13 we, as a Commission, are responsible --

14 CHAIRPERSON SWAIN: This goes to
15 the Mayor and the Mayor, we take our
16 recommendations to the Mayor or we take the
17 information to the Mayor, and the Mayor makes
18 his final decision. Yes, Ms. Allen.

19 COMMISSIONER ALLEN: And the rules
20 don't have to be given, and there has to be no
21 review by the Council? They're just
22 automatically adopted?

1 CHAIRPERSON SWAIN: That's up for,
2 that's what they're discussing now, ma'am.

3 COMMISSIONER BAKER: And the final
4 rule, I'm sorry --

5 COMMISSIONER ALLEN: Because even
6 though I know the Mayor can do Mayoral Order?

7 CHAIRPERSON SWAIN: Yes, ma'am.

8 COMMISSIONER ALLEN: Okay, but
9 there's a time frame that that lasts? A
10 Mayoral Order doesn't last forever, I don't
11 think? Correct me, Madame Counsel?

12 MS. THOMPSON: The Mayoral Order
13 that I've seen, doesn't have an expiration
14 date.

15 CHAIRPERSON SWAIN: No, it doesn't.

16 COMMISSIONER ALLEN: No, but I'm
17 saying, by law, does the Mayoral Order, is it
18 ongoing?

19 MS. THOMPSON: It can be.

20 COMMISSIONER BAKER: But Mayoral
21 Order sunsets with each Mayor. And so, unless
22 the order is renewed by, immediately by the

1 next Mayor, I mean we could end up with a
2 situation where we're adopting things that are
3 not codified into law or the District Code.

4 So, I think that that's just, in
5 process-wise, what I want to make sure we're
6 clear about.

7 MS. THOMPSON: Generally, what we
8 do with Agencies, is when there's a change of
9 administration, we just revise the, just
10 update it.

11 COMMISSIONER BAKER: Right. But
12 unless it goes through Council, we could end
13 up, you know, again, like two and a half
14 years, three years, if there's a new Mayor,
15 with a fight over what type of system.

16 MS. THOMPSON: Right, the Mayor is,
17 oh, you mean, I see what you're getting at.
18 To the extent that this Mayor made the
19 decision, in essence, if it doesn't go through
20 Council, another Mayor can overturn it.

21 COMMISSIONER BAKER: Change it,
22 yes. Because it's not law, it's simply an

1 order. And so I mean, you know, obviously, we
2 would want to have a settled discussion. But
3 I think that --

4 MS. THOMPSON: Let me interrupt.
5 I'm not sure that's the definitive conclusion
6 on that. I've seen an opinion by the Mayor's
7 Counsel that, in essence, we need to remember
8 how the legislation was worded, in essence,
9 what Senator Levin was saying, you will have
10 meters unless you opt out.

11 CHAIRPERSON SWAIN: He just didn't
12 say what kind of meters.

13 MS. THOMPSON: He just didn't say
14 what kind. So do you have meters on the less
15 than --

16 COMMISSIONER BAKER: By a certain
17 date. And so the current Mayor is not off
18 balance. So then, so that means that then the
19 federal law, which was our appropriation,
20 becomes the law.

21 The only question I would have,
22 just in terms of our knowing what our rule

1 making means, is, I mean at some point that
2 could potentially be challenged. Because
3 appropriation budgets are only for one year.

4 And so any rider on an
5 appropriation is only good within that year.
6 And so because the Mayor chose to adopt meters
7 by the date that the rider designated, only
8 means still that the Mayor has chosen an
9 order.

10 Senator Levin did not pursue a
11 further action of law. But, in my view, I
12 mean I think another lawyer would need to look
13 at it. But I would think that there is no
14 law.

15 That we simply have, you know, we
16 have a rider that is no longer valid, because
17 the budget year is over.

18 The Mayor has adopted an order to
19 adhere to the rider, but that order only has
20 standing as long as this Mayor is Mayor. Or
21 another Mayor renews it.

22 I just think, I mean, and clearly,

1 I mean I just want to put my cards on the
2 table. I support the Mayor's order. I
3 support the decision. But I also support good
4 process and good law.

5 And that's what we don't, and
6 that's why I want to be clear about the action
7 steps, and that's why I want to be clear about
8 what's happening.

9 So there's just no monkey
10 business. And so I think we just clarity
11 about that. And so that the city doesn't find
12 itself at some place down the road, where a
13 lot of good work is being overturned by any
14 type of suit or something.

15 CHAIRPERSON SWAIN: Thank you very
16 much, Mr. Baker. Carol, I know you --

17 MS. ROBINSON: Carol Robinson of
18 Yellow Cab 800. I have a couple of concerns.
19 My first concern is when the Charter of the
20 DCTC's establishment, you were supposed to
21 have meetings.

22 Prior to Causton Toney's arrival

1 and departure, it was changed. We customarily
2 meet every month. He changed the date from
3 Tuesday to Wednesday, for his convenience.

4 Supposedly because they had
5 hearings down at City Council, all right.
6 With the issue that is very, very, very
7 important as this, it really behooves me that
8 you all don't want to meet and try to get some
9 of these issues straight.

10 Now, that being said, it's a rule
11 to a metered system, that's what he said.
12 Nothing else, that's all, to a metered system.
13 And I'm really upset because the Mayor chooses
14 to go through municipal regulations to try to
15 rush this through, instead of changing the
16 D.C. Code, the Title 31, and everything.

17 I hope all of these legal heads
18 together are doing it right. Because it
19 doesn't make sense how you can, as
20 Commissioner Allen said, if he has a Mayoral
21 Order, that's only going to last one year, how
22 are you going to impose on us to comply with

1 his law, when it really isn't even valid?

2 MS. THOMPSON: Can I make --

3 MS. ROBINSON: Why don't you have
4 meetings and a notification, you know, that's
5 ludicrous. Notification. The only way I knew
6 about this meeting, Mr. Swain, and you know,
7 is because I called you on the day, on the
8 telephone.

9 CHAIRPERSON SWAIN: This meeting
10 was already scheduled back in September.

11 MS. ROBINSON: Well, when are we
12 supposed to be notified?

13 CHAIRPERSON SWAIN: You were
14 notified in September that the meeting was
15 going to take place.

16 MS. ROBINSON: But we usually get
17 mailings. If you didn't have, you should have
18 had a meeting in October.

19 CHAIRPERSON SWAIN: No --

20 MS. ROBINSON: You didn't have one
21 in October.

22 CHAIRPERSON SWAIN: Don't have to.

1 MS. ROBINSON: Because the Mayor
2 made his decision on October the 16th.

3 CHAIRPERSON SWAIN: No, ma'am.

4 MS. ROBINSON: The same day that we
5 were supposed to have the meeting, the 17th.
6 The same day that we were supposed to have the
7 full Commission meeting.

8 You know it was coming down the
9 pike. You know how emotional this issue is to
10 us. Because, first of all, like I've already
11 e-mailed Jim Graham and got some information.

12 You all ain't even thought about
13 the fiscal impact it's going to have on these
14 drivers here. You haven't thought about
15 anything.

16 But yet, you're going to put out
17 some regulations today, and say well we'll
18 meet next month, and we'll let you all talk
19 about it.

20 CHAIRPERSON SWAIN: These
21 regulations were put out last week in the
22 public register.

1 MS. ROBINSON: I already know that.
2 I had a copy of them because I talked to
3 Council Member Graham and David Rucker. And
4 to one of Ms. Shea's legislative assistance.

5 CHAIRPERSON SWAIN: I know, I took
6 it to them.

7 MS. ROBINSON: That's how I found
8 out all the information.

9 CHAIRPERSON SWAIN: I took it to
10 them.

11 MS. ROBINSON: And I should be
12 finding out from you.

13 CHAIRPERSON SWAIN: Did you call
14 me?

15 MS. ROBINSON: And you still take
16 my money.

17 CHAIRPERSON SWAIN: Did you, I
18 don't take anything from you.

19 MS. THOMPSON: A point of
20 clarification, Carol. As to our meetings, the
21 regulations used to provide the Commission
22 shall hold regular meetings on the first

1 Tuesday of January, March, May, July,
2 September and November, at 9:00 a.m. I just
3 wanted to say that because there's a lot of
4 confusion that somehow the Commission's rules
5 required monthly meetings.

6 MS. ROBINSON: In the past we had
7 them monthly, that's why I'm saying that.

8 MS. THOMPSON: In the past, but not
9 according to your regulations. The change
10 that that made was that it got changed to
11 Wednesday of January, March, May, July,
12 September and November at 10:00 a.m., at the
13 official offices of the Commission, or any
14 other location the Chairperson may designate.
15 I just want to make sure that we --

16 MS. ROBINSON: The only time we
17 didn't meet during, prior to your arrival, was
18 in August, the summer. That's the only time
19 we didn't meet.

20 We used to meet every month. I
21 used to come here every month.

22 MS. THOMPSON: Carol, I understand.

1 It's one thing that you were having meetings
2 every month, it's another thing to say that
3 the regulation requires that you have meetings
4 every month.

5 MS. ROBINSON: I thought it was as
6 needed, that somebody told me. Because, when
7 I questioned that, if we feel we have a need
8 for a meeting, then you have a meeting.

9 MS. THOMPSON: It's, I was just
10 giving you how it read, so that in the future
11 we understand that the Commission was, in
12 fact, meeting monthly, but not required to do
13 so by the regulation.

14 MS. ROBINSON: Okay, I have another
15 question. You put it in here, because I was
16 really upset you didn't even let us comment on
17 the watering issue.

18 Because when I saw in there public
19 comments, you know, but this is customary of
20 how the Commission runs things.

21 But another thing that, you know,
22 that, you know, that really disturbs me, I

1 maybe the only person that is truly concerned
2 about the minutes from these meetings.
3 Because these minutes not only are public
4 record, but they're documents to verify some
5 of the things that you all say in here, and
6 some of the things that you all do in here,
7 that we can have record of.

8 Now if we had a meeting in July,
9 why do I got to wait until January for you to
10 vote on them and then receive them?

11 MS. THOMPSON: My response is --

12 MS. ROBINSON: That you're too
13 busy.

14 MS. THOMPSON: No, no, I'm too
15 busy, I just came out of the hospital two
16 weeks ago.

17 MS. ROBINSON: Oh, I had pneumonia
18 too.

19 MS. THOMPSON: So, at some point, I
20 can only do what's in the report.

21 MR. PRICE: Once again, we're at
22 the same point. I see your frustration here

1 at this Taxicab Commission.

2 I'd like to point to an article
3 that appeared in the Washington Examiner,
4 dated 11-6-2007, which I think hits the head
5 and speaks to a lot of the frustrations that
6 the drivers have.

7 The article went on to say Mayor
8 Fenty is considering a drastic change to the
9 role of the much maligned D.C. Taxicab
10 Commission.

11 Perhaps it's he's dismantling its
12 power, just as he did with the Board of
13 Education. That discussion is going on.
14 Fenty, on Thursday, soon after he unveiled the
15 fare structure regulations tied to the new
16 Taxicab Meter System, it has come to this
17 point that we've made, it hasn't come to a
18 point where we've made a decision, Fenty
19 announced on the 17th of October.

20 The District ditched the 70-year
21 old zone fare meter system, and at that time
22 left it up to the D.C. Taxicab Commission to

1 develop and adopt the regulations, which are
2 the primary responsibility under D.C. Code
3 31C.

4 But two weeks later the Mayor
5 ruled out, rules himself, saying he decided
6 quickly. These are the Mayor's people's
7 regulations in mind, Commissioner Sandy Allen
8 said, a former D.C. Council Member said on
9 Friday, because I have not seen or voted on
10 them, I think the process has been
11 circumvented.

12 Commissioner or Chairman Leon
13 Swain said he was gearing the decision and
14 authorization to draft the regulations which
15 he presented to the Mayor office for review.

16 But observers were quick to
17 question the Commission's absence of
18 Commissioner Tapscott. He said he had no
19 input into the process completely.

20 Fenty has shown little patience
21 with the Agency, he has considered inefficient
22 in taking over the failing D.C. Public School

1 System.

2 The point that I'm making is it
3 talked about Title 31C. Last night I went to
4 Title 31C, took the opportunity to look at
5 Section 2-8, General Provisions Concerning
6 Rate Making.

7 Which was a process. And in the
8 process it speaks to the fact that under
9 Section 22.1, in Initial Pleadings. Financial
10 information showing the increase in increase
11 of fare making, the cost, these are things
12 that have to be considered, according to Title
13 31C.

14 Proceeding the cost of doing
15 business, including, but not limited to the
16 cost of gasoline, insurance, cost of repairs
17 to vehicles, increase in driving time
18 destinations due to construction and other
19 matters.

20 What is very disturbing to me with
21 this process is that we're here now speaking
22 about this new proposed rule making. I was

1 able to get a copy of this last week, also, by
2 contacting Councilman Jim Graham's office.

3 I came to the Commission, asked
4 for a copy of this, this document was not
5 here.

6 CHAIRPERSON SWAIN: Available.

7 MR. PRICE: Okay, available. So I
8 went to the hearing. There are some very,
9 very, very, very disturbing issues in this
10 proposed rule making when we're talking about
11 the fact that a driver can be fined \$1,000.00,
12 when you're talking about a meter not working
13 properly.

14 And a number of other issues that
15 I want to go over. Expected tampering with
16 the meter or its seals, supervision of
17 renovation, operating without a meter.

18 At the rate we are going, all of
19 us will be renters. We won't own our cabs.
20 What control over equipment do we have as
21 renters of cabs.

22 This seems to be where this whole

1 thing is going. Taking our DCTCs away from
2 us. When I filed back in May, with this
3 Commission, following the procedures of Title
4 31C, a motion for them to consider a proposal
5 to go to the Council and e-mail the same
6 documentation to the Council Members, Mr. Jim
7 Graham included, speaking about a vested
8 business license, it fell on deaf ears.

9 You can't have it both ways. You
10 can't come to me and say that you will, in
11 fact, discuss this with me next month at a
12 meeting, when in fact this goes into the
13 public record as of Tuesday.

14 There is a 60-day time for us to
15 respond. We are dealing now with holidays and
16 all these other issues that are coming up and
17 people will be on travel, Commissioners will
18 not be available.

19 And there are legal issues that
20 will have to be litigated, unfortunately by
21 us, as drivers, again. Once again we are
22 being put behind the eight-ball by the Mayor's

1 administration.

2 And I think it's totally unfair
3 and unjust. I visit our D.C. Taxicab
4 Commission's website consistently.

5 Nowhere does it have posted the
6 agenda for this week's meeting. It has the
7 time, it's been there. So I'm not going to
8 argue that it's not out there.

9 It is on the website. It will
10 give you the meeting. It does not give you
11 the agenda for the meeting. It does not
12 provide any minutes from any meetings posted
13 since June.

14 And I'm saying if this Commission,
15 which Jim Graham has already said you can bet
16 your dollar that they're going to dissolve it,
17 what is the purpose of us being here?

18 Other than we, as drivers, had to
19 fight with previous administrations to have a
20 Commission to have any way to have any input
21 in this process. And I rest my case.

22 CHAIRPERSON SWAIN: Let's see, I

1 believe Mr. Wright, and then it's Mr. Abdul
2 Kareem, and then you, Mr. King.

3 MR. WRIGHT: Mr. Chairman, I would
4 like to continue. First, I would just like to
5 say that, to the best of my knowledge, the
6 U.S. Mail is the official body in which people
7 get notice, the U.S. Mail.

8 Unless that law has changed,
9 Congress changed that, we are entitled to a
10 letter through the U.S. Mail. Forget about
11 the website and all that stuff, because
12 everybody don't have those things.

13 But everybody has access to the
14 U.S. Mail, and that's why I think --

15 CHAIRPERSON SWAIN: I can't -- all
16 right, thank you very much, Mr. Wright.

17 MR. WRIGHT: Now, Mr. Baker, I want
18 to thank him, because he said exactly what I
19 had tried to get you to understand.

20 You seem to have understood what
21 he said. I want to be sure that you
22 understood what he said.

1 He said that the companies are
2 supposed to be notified. And that's all we
3 ever did. You've never sent individual mail
4 to anyone.

5 CHAIRPERSON SWAIN: Mr. Wright,
6 yes, I have.

7 MR. WRIGHT: Okay, maybe you did.
8 I never asked for it. I have never asked for
9 it.

10 CHAIRPERSON SWAIN: Mr. Wright --

11 MR. WRIGHT: I have never received
12 a letter. I have received it through the
13 company. What I'm saying, all I'm asking for
14 is that the company, just what Commissioner
15 Baker said, the company be notified.

16 It's their responsibility to know
17 their drivers, as far as I'm concerned, and
18 let them know what's going on. And that's all
19 I'm asking for.

20 And I'd like to know now that Mr.
21 Baker has said that this is proper, are you
22 going to --

1 CHAIRPERSON SWAIN: I'll take it
2 under advisement.

3 MR. WRIGHT: Okay, under
4 advisement. Well, we'll see what happens.

5 CHAIRPERSON SWAIN: Mr. Abdul
6 Kareem.

7 MR. KAREEM-AMED: Good morning, Mr.
8 Chairman, good morning. I just want to
9 continue to discuss the criminalizing of
10 loitering.

11 This makes you really scared as a
12 driver, because we have Doormen who are
13 really, just because they don't like you, how
14 your car look like or the way you look or they
15 have a limousine waiting in the doorway, and
16 just call the police and say this man is
17 bothering us. What is going to happen if he
18 give me a ticket?

19 Because the whole issue we have to
20 live very careful. It's just like a small
21 baby, we've got to be very, it's like an egg,
22 you cannot get through, very, this is a very

1 tense thing.

2 Because once you got that
3 fingerprint and you go to jail, it will haunt
4 you all the way. So I think we need to be
5 very careful with this issue.

6 Because we're dealing with hotels,
7 we already we have problems. And I don't see,
8 a couple times giving, I don't see there is
9 discussions going on how we can stop this
10 illegal drivers.

11 Instead we are decriminalizing a
12 D.C. Taxi Driver, why not we decriminalizing
13 in Maryland, P.G. and working in the city,
14 every day.

15 It's almost, it's one way to the
16 other side. Someone who is a legal, licensed,
17 how are you going to decriminalize? Those are
18 criminals, they're not supposed to work here.

19 So, we should at least give them a
20 warning, we're going to decriminalize you.
21 Limousines who are private cars and not paying
22 tax in the city. They are not going to give

1 anything in this city.

2 They're only stealing fares and
3 they're making look like where a situation
4 where -- they charge whatever.

5 MS. THOMPSON: Are you, I'm not
6 sure if you're understanding something. We
7 continue to criminalize non-licensed operators
8 in the District. They're still, this
9 provision has nothing to do with that.

10 MR. KAREEM-AMED: So what do you
11 mean, I'm still, that's why I'm, I mean I'm
12 not scared, but it makes me nervous.

13 MS. THOMPSON: No, no, no --

14 MR. KAREEM-AMED: If you
15 decriminalize, because I have some people that
16 I represent that is why I'm here today. When
17 I go back I have to tell them, I'll tell them
18 you're going to jail from now on.

19 You've got to be very careful,
20 because the law is going to be decriminalized.
21 What I'm just, I'm advising is opposite. We
22 should decriminalize those who are not

1 supposed to work in the city.

2 MS. THOMPSON: And that's what,
3 that's what, yeah, I think you might be mixing
4 something up a little bit here.

5 The, we continue to criminalize
6 those people. And all this is, is making sure
7 that our licensed drivers, who are loitering,
8 won't end up with a criminal record.

9 If they're going to be fined, it
10 will only be a civil fine. But they won't
11 have, so the decriminalizing is only as to the
12 loitering for our people.

13 But the illegal drivers, they will
14 continue to be prosecuted, they can be
15 prosecuted criminally.

16 CHAIRPERSON SWAIN: Mr. King, I'm
17 sorry.

18 MR. KING: Okay, I just wanted to
19 ask a question. And that is that you were
20 talking about the hotels and there was
21 thoughts that you would not make it a criminal
22 offense for them to, you know, put the drivers

1 or deny the drivers right to pick up, whether
2 you're on their property or not. But, you
3 know, I'm asking you to make sure that it
4 remains a criminal offense.

5 Because you're denying me. You
6 know, I pay for the right to operate in this
7 town, and for someone to deny me my right to
8 operate, then that's a criminal offense.

9 CHAIRPERSON SWAIN: Right.

10 MR. KING: And you should not
11 decriminalize that. As a matter of fact, you
12 should increase the penalty. Because when you
13 don't do that, this is why hotels do what they
14 want to do.

15 Because they know that there's no
16 repercussions. Now, when someone else talks
17 about the county cabs. You know, it may be a
18 criminal offense, it is a criminal offense.

19 But the problem is they don't
20 care. Why don't they care? Because there's
21 no enforcement. And they come in here and do
22 what they want to do.

1 The other thing is, is that Mr.
2 Price just made the point about the Mayor
3 wanting to do away with the Commission.

4 You guys, you know, I know that
5 you're unpaid, but it's a position that I
6 think some of you take pride in. And you
7 should be concerned.

8 Because, you know, last year, you
9 know, they tried to make this taxi situation,
10 put it on one person, like a Czar. And, well,
11 it wasn't last year, it was a couple of years
12 ago. Under Mayor Tangherlini. All right, so
13 you're trying to do that.

14 And so now you're coming right
15 back in the back door, and they're talking
16 about doing the same thing, getting rid of the
17 Commissioners.

18 You should be concerned. Because
19 no one, no one, I said no one should have such
20 authority that only one person that you have
21 to go to.

22 Because if this person says, no, I

1 don't care what kind of appeals process you
2 have, the answer is still going to be no.

3 And you should be concerned about
4 that. You, Commissioners, are sitting up
5 there. Now, you know, just the Mayor has said
6 that he's thinking about getting rid of it,
7 but also he made the point that if you were at
8 this room, you pay attention to what people
9 say.

10 Jim Graham is also thinking the
11 same thing because he keeps saying, I'm not
12 sure that we really need the Commissioners.

13 You need to pay attention.
14 Because this taxicab situation, you know, I
15 mean there's a puzzle being put together and
16 nobody is really paying attention to the
17 pieces that's being placed in that puzzle.

18 You're going to wait until you see
19 the whole picture, and then you're going to
20 say, oh, this is what this is all about. No.
21 You better begin to start to try to figure out
22 what this puzzle is going to be, before it's

1 put together.

2 CHAIRPERSON SWAIN: Mr. Tapscott.

3 COMMISSIONER TAPSCOTT: You know
4 I'd like to start off by saying I completely
5 applaud Mr. Baker and the gentleman over here,
6 they put it so eloquently what is happening to
7 this Commission.

8 Never before after seven years
9 have I seen this Commission go down the way it
10 is. Everything that we have done in the past
11 has been thrown to the wind.

12 I can see in this document that we
13 have before us today, in reading it and being
14 here for seven years, I can see so many things
15 that were proposed in these seven years,
16 that's in this document.

17 This document was pre-written
18 before the Mayor made his decision, as far as
19 I'm concerned.

20 (Chorus of absolutely)

21 COMMISSIONER TAPSCOTT: We
22 Commissioners have, as far as I'm concerned,

1 totally been cut out of things. When, like
2 for instance, we talked about we're going to
3 have a meeting in December on this.

4 Our next meeting, if I'm not
5 mistaken is, what, February?

6 CHAIRPERSON SWAIN: January.

7 COMMISSIONER TAPSCOTT: January.
8 January, you're right. But this goes in
9 effect in 60 days. The day before we have our
10 meeting. Now what are we saying here?

11 CHAIRPERSON SWAIN: That says
12 you're having a meeting in December.

13 COMMISSIONER TAPSCOTT: No, no, the
14 meeting in December is not going to be
15 sufficient for everyone to know what the
16 public is saying.

17 So is it set up? I know that Mr.
18 Mayor's assistant, Tangherlini, did
19 everything, and Causton Toney, to put this
20 Commission out of business.

21 And the City Council would not go
22 along with it. So just like someone said,

1 it's coming around through the back door now.
2 It's coming around through the back door. And
3 if you all sit here or we sit here and let
4 things happen to us, it's not their fault,
5 it's our fault.

6 Because we have definitely been
7 cut out of everything. I just wanted to
8 comment. I totally agree with what you said.
9 And, Mr. Baker, I totally agree with what you
10 said.

11 We need to look at what's
12 happening to the industry. We're talking
13 about 7,000 individuals. No one is talking
14 about the effect that's going to be on the Cab
15 Drivers.

16 The effect is you're going to see
17 3,000 Cab Drivers soon. The other effect,
18 you're going to see medallions. The other
19 effect, you will not be an independent.

20 You will be working for someone
21 else, just like you do in Maryland and
22 Virginia. So, ladies and gentlemen, you know,

1 I know I get criticized for these things, but
2 I'm a Cab Driver. And my livelihood, you
3 know, I spent 40 some years driving a cab.

4 Any other employment that I know
5 of, after so many years and your age, you're
6 entitled to retire or slow down.

7 A lot of us older drivers cannot
8 work no 12 hours a day like I here some people
9 say, work more hours if you ain't making
10 enough money.

11 But that is a lot of Cab Drivers
12 retirement, second job now. And we're totally
13 throwing them out to the wind, as far as I'm
14 concerned.

15 So just think about what is really
16 happening to the industry. Thank you.

17 MR. LUCAS: My name is William
18 Lucas, I drive Yellow 501. I was late getting
19 here but did anybody mention anything about
20 this gas.

21 I looked at the news this morning,
22 is says gas is 88 percent higher today than it

1 was at this date last year. They're also
2 saying, the Government is saying gas is going
3 to go higher.

4 This year a lot of people can't go
5 home to see Mom and Dad because the gas is
6 going to go up like 20 percent by
7 Thanksgiving.

8 Now, when we had that surcharge we
9 didn't extend it. And I think that it was
10 said that the gas was going down. I think
11 somebody, this Commission should have brought
12 it up, that should have been on the agenda.

13 About giving us some help and
14 bringing the surcharge back. If you have our
15 welfare at stake. I think that you need to do
16 something about giving us a gas surcharge.

17 I think you can do that emergency
18 legislation. They can decide something right
19 now.

20 COMMISSIONER TAPSCOTT: It's not on
21 the agenda.

22 MR. LUCAS: It don't have to be.

1 CHAIRPERSON SWAIN: I don't make
2 motions, Mr. Lucas. Hold, hold, hold, up.
3 Now you've asked the question, has anybody up
4 here -- Mr. Wright, I'll get to you in a
5 second.

6 You've made the statement that
7 nobody thought about the gas surcharge or
8 anything else. That none of the other
9 Commissioners said one solitary word about it.

10 You're right, nobody said a
11 single, solitary word about it. Here it is
12 right here. I did. I thought about it this
13 morning.

14 I got the gas rates right up to
15 the last minute.

16 MR. LUCAS: Well, why didn't you
17 say something?

18 CHAIRPERSON SWAIN: I just got it,
19 this morning. I pulled it up this morning. I
20 was waiting for one of the other Commissioners
21 to say something on it.

22 I'm still waiting for one of the

1 other Commissioners to say something.

2 COMMISSIONER TAPSCOTT: I'll say
3 something.

4 CHAIRPERSON SWAIN: Hold on. No,
5 no, no, no, no. How are you going to say
6 something without looking at the information.

7 COMMISSIONER ALLEN: Mr. Chairman,
8 is there not a place on this agenda for other
9 issues?

10 CHAIRPERSON SWAIN: Yes, ma'am.

11 COMMISSIONER ALLEN: All right, and
12 we have not reached that.

13 CHAIRPERSON SWAIN: We have not
14 reached it. I'm just passing the information
15 out to you, ma'am.

16 COMMISSIONER ALLEN: We haven't
17 reached that yet. We haven't gotten to the
18 point where it asks for other issues.

19 CHAIRPERSON SWAIN: You haven't
20 gotten to the point. I'm just passing the
21 information down to you, ma'am.

22 COMMISSIONER ALLEN: And we have

1 not gotten, from what I can see, we have not
2 followed the agenda that has been adopted thus
3 far.

4 And I think that if we can get
5 back to that, where we are, Mr. Chairman, then
6 we can get you to issue the information.

7 CHAIRPERSON SWAIN: Yes, and I will
8 go ahead and still pass the information down
9 to you. Mr. Tapscott, go ahead, sir.

10 COMMISSIONER TAPSCOTT: Yes, if I'm
11 not mistaken, I have read Title 31 correctly.
12 It states on the agenda, how the agenda is
13 supposed to be made up.

14 It tells you how many days the
15 agenda has to be mailed out.

16 CHAIRPERSON SWAIN: Umm hmm.

17 COMMISSIONER TAPSCOTT: It tells
18 you how many days the Commission has a right
19 to put something on the agenda. It tells you
20 how many days the public has a right to put
21 something on there.

22 CHAIRPERSON SWAIN: Yes, sir.

1 COMMISSIONER TAPSCOTT: No where
2 have I been afforded the opportunity to put
3 anything on the agenda.

4 CHAIRPERSON SWAIN: Mr. Tapscott,
5 has that changed since you've been here? Have
6 you ever afforded anything for the agenda,
7 sir, even when I asked you?

8 COMMISSIONER TAPSCOTT: Because,
9 sir, just before you came here it was changed
10 from when --

11 CHAIRPERSON SWAIN: Would you like
12 me to bring e-mails out, sir, where I've asked
13 you for your --

14 COMMISSIONER TAPSCOTT: -- Mr.
15 Causton Toney --

16 CHAIRPERSON SWAIN: I'm not Mr.
17 Causton Toney, sir. I have sent you e-mails
18 asking you if you had anything that you would
19 like to add.

20 COMMISSIONER TAPSCOTT: I didn't
21 even know about the agenda until I walked in
22 here. And I've gotten no e-mails from you,

1 sir.

2 CHAIRPERSON SWAIN: Sir, you have a
3 number of e-mails where I've asked you for
4 your opinion on something. I've received
5 absolutely nothing in return.

6 COMMISSIONER TAPSCOTT: And, sir, I
7 pay for my computer. You don't pay for my
8 computer. So I don't have to answer anything.
9 It costs me. We are not working.

10 I see nothing in Title 31, to say
11 that I have to have a computer and operate a
12 computer.

13 CHAIRPERSON SWAIN: I've never said
14 anything about having a computer.

15 COMMISSIONER TAPSCOTT: Well, you
16 said you sent me something? You've only sent
17 me something in the computer.

18 CHAIRPERSON SWAIN: I've sent you
19 something twice. And I've asked --

20 CHAIRPERSON SWAIN: On the
21 computer.

22 CHAIRPERSON SWAIN: Okay, I'll tell

1 you what.

2 COMMISSIONER TAPSCOTT: On the
3 computer.

4 CHAIRPERSON SWAIN: I'll tell you
5 what, I will personally make sure that I mail
6 you each and everything asking you your
7 opinion.

8 COMMISSIONER TAPSCOTT: I have no
9 problem with that. I think the public needs
10 to know that they have a right to put anything
11 on this agenda.

12 COMMISSIONER BAKER: Mr. Chairman.

13 CHAIRPERSON SWAIN: Mr. Baker, go
14 ahead, please, sir.

15 COMMISSIONER BAKER: Just in the
16 interest of time, and I apologize, you know, I
17 do have a noon meeting. And, you know, I mean
18 I just want to, one, move the agenda.

19 But I also want to say that, you
20 know, we may be at the end of the Taxicab
21 Commission. You know, there's been discussion
22 about it, people have editorialized about it.

1 We know where the Mayor stands on
2 it, and Jim has different views on it. And,
3 so that may happen.

4 You know, those of us who joined
5 the Commission, didn't do so to get rich. You
6 know, we're paid \$25.00 for a meeting. I take
7 a taxi here. So it actually costs me \$28.00
8 to come. You know, when I come down and do my
9 tip.

10 So every meeting costs me \$4.00 to
11 get here and \$150.00 an hour that I bill. And
12 so it's lost revenue. It's a public service.

13 But what I do find, you know, is
14 troubling. That if the Commission is going to
15 go away, that we shouldn't go away this way.

16 MS. ROBINSON: Thank you.

17 COMMISSIONER BAKER: We shouldn't
18 go away because we're in disarray and not
19 doing our work. There's a better way to do
20 it, then let's do it that way.

21 The city just needs to have
22 whatever is going to make this a good city.

1 That's all. And if this is the way it should
2 be done, that's great. If this isn't, then
3 let's move on.

4 We all have other things to do. I
5 spend my days working on HIV epidemic. There
6 are 40 million people whose lives hang in the
7 balance.

8 I don't have time for foolishness.
9 I got off a redeye yesterday from Palm
10 Springs, spent all day in the office and I'm
11 here now.

12 A week working with 2,000 people
13 who are fighting AIDS. And, so, and to get
14 back, and not to be able to know what's on an
15 agenda, just doesn't work.

16 So I think we're all willing to do
17 our work, but the work has to be laid out for
18 us. And, so, you know, and it has to be
19 efficient.

20 You know, we're not paid to be
21 here, we're doing it as a public service.
22 It's in the middle of the day. We can have

1 two-hour meetings and get through it. But
2 that means, also, our guests have to also be
3 part of that efficient, focused work.

4 And, you know, so I just, you
5 know, if there's something more we need to do,
6 let's do it, otherwise we have our December
7 12th scheduled meeting.

8 But, you know, I think we all
9 recognize that we're working, what's not
10 working, and we should make a move.

11 COMMISSIONER TAPSCOTT: Excuse me,
12 Mr. Chairman had to step out and he's asked me
13 to --

14 CHAIRPERSON SWAIN: I have to take
15 an emergency phone call, Mr. Tapscott is going
16 to take the floor.

17 COMMISSIONER TAPSCOTT: -- Chair
18 the meeting. Mr. Price.

19 MR. PRICE: First of all I'd like
20 to say when I first started driving a cab what
21 ran the D.C. taxicab industry was a public
22 service commission.

1 And they may have been, no, they
2 were a lot better than the Taxicab Commission.
3 But they had an eyes and ears looking over
4 them, it was called the People's Council and
5 the monitored everything that they did.

6 You know, Mr. Tapscott, you said
7 how things have gone down during this
8 administration, and it has gone down further,
9 because things have happened.

10 The illegal driver situation has
11 gotten intolerable. Limousines, outside buses
12 and vans, the interference. And it's
13 heightened so much that it's become, that we
14 can not really make a living.

15 Now, Jim Graham has said, and I've
16 already mentioned it. He says the Commission
17 of nine is too many. When it first was formed
18 it was 13, and they were inept.

19 Mr. Baker says he gets paid \$25.00
20 a week. Well, you know, I'm one of those
21 people that argued years ago that it should
22 have been back to the 150.

1 So, back when there was 150, the
2 Commissioners abused it. They were getting
3 \$7,000.00 a year and they flat out abused that
4 privilege.

5 You know, it was, before the
6 fiscal year was halfway over, they used up
7 their \$7,000.00 and then they wouldn't come to
8 anymore meetings. That's what happened.

9 So, and I still argue with Jim
10 Graham today. I said, you know, the Taxicab
11 Drivers fought for a Taxicab Commission. It
12 wasn't the Government.

13 It was the riding public, it was
14 the drivers. We needed a place to be heard, a
15 place to vent our frustration and our
16 disappointment in the Government, as it was
17 under the Public Service Commission.

18 Even the People's Council that's
19 looking over their laps. Sure, one of the
20 things that we do in our Government is that,
21 when there's a crisis, we get rid of the
22 Agency.

1 So we sweep all the dirt under the
2 rug. But I implore you Commissioners that are
3 left. Don't let you legacy go out with being
4 stained.

5 One of the things I've heard from
6 Mr. Leon Swain, since he's been Chairman of
7 this Commission, he's been at Jim Graham's
8 hearing or in this room here.

9 And when these drivers talk about
10 enforcement on the street, because they know,
11 because they are the heartbeat of the
12 industry.

13 We're the ones that come every
14 meeting. We say, one of the things you always
15 tell us, I only have five Hack Inspectors.
16 Well, guess what?

17 Before there was a Taxicab
18 Commission came about 20 years ago because,
19 the police department, there was only four or
20 five of them.

21 Twenty-four hours a day, four to
22 five policemen did the Hack inspections. And

1 we didn't have problems with Maryland and
2 Virginia, hotels. We didn't have problems
3 with illegal drivers.

4 We didn't get the harassment that
5 we get now. So, don't depend on the Chairman
6 because he gets paid a lot more than you get.
7 I feel very sad about that.

8 Because I feel a lot of people are
9 a lot more competent than that person sitting
10 in that chair. But that's irregardless. The
11 problem is that you have to make your mark.

12 Because if I had not decided to
13 move out of the District 12 years ago, or had
14 I decided to take Mayor Marion Barry's offer,
15 back about 13 years ago, to come on the
16 Commission, there's no way in God's hell that
17 I would allow people like Karen Jones and
18 those who followed after her, to do what she
19 did to this Commission.

20 This Commission's name has been
21 dragged in the mud. You're looked at as an
22 embarrassment to the D.C. Government, and that

1 is very unfortunate. So now how significant
2 or insignificant role you play in it, it's
3 time to say your integrity means something.

4 And, for God's sake, fight for
5 that, if nothing else. I applaud you Mr.
6 Baker for the work you're doing with AIDS,
7 because it is a terrible epidemic that the
8 federal government has turned its back on.

9 And I'm quite sure the gratitude
10 for your work will not get unnoticed, but
11 likewise, we want, you know, most of us differ
12 with 90 percent of the things that you say out
13 your mouth.

14 But no matter what, your fiscal
15 conservatism and the way you handle your
16 business, we have to respect. But at the same
17 time, we need for you to say there is a system
18 of order.

19 Because not only, keep Title 31,
20 the D.C. Code says certain things how this
21 Government operates and how this Commission
22 should operate and we don't operate to that.

1 So, in this next, let's say 28
2 days or how many days before we meet again,
3 look at the D.C. Code, and see how you also
4 are supposed to operate.

5 Because I want you at least when
6 you walk away say, look, I made a difference.
7 If you didn't make a difference, then we all
8 suffer.

9 COMMISSIONER TAPSCOTT: Thank you,
10 Mr. Price.

11 COMMISSIONER ALLEN: Mr. Price, I
12 know it's been said, but first of all, people
13 don't understand what the D.C. Taxicab
14 Commission is supposed to do.

15 That's number one. I'm not
16 speaking about you all as drivers. During our
17 meeting at the ARC, I think on several
18 occasions I spoke to the media and I said we
19 were supposed to make a recommendation to the
20 Mayor.

21 It was not the Commission's job to
22 make a decision on which way and whether it

1 went to meters, but nobody, I don't care how
2 many people I talk to, I don't care how many
3 times they wrote the story.

4 Nobody quoted that fact, because
5 nobody backed up the statement that it was our
6 job, asked by the Mayor, to recommend, even
7 though we couldn't come to a conclusion, which
8 we really did and we won't go back into some
9 of the legalities.

10 But it was our job to recommend to
11 the Mayor. It was not our job to say yea or
12 nay. The final decision rests with him, under
13 what we sent to him.

14 So I think that part of our whole
15 thing here as Commissioners, in order to stay
16 in place, because I'll be honest, I fought
17 like a dog not to get here.

18 I mean, I'm not going to lie. I
19 got a call that said, Sandy, will you go sit
20 on the Taxicab Commission? I said why? And
21 now I'm here and I'm glad I'm here because I
22 understand that nobody understands working

1 people. And that's what I see the drivers as
2 working people.

3 We have to be our own best PR.
4 Jim Graham may have a decision about how the
5 Commission functions. Mayor Fenty may have a
6 reason and a feeling about how the Commission
7 functions.

8 And, Mr. Price, we can now go and
9 say that you all asked for a Commission. I
10 did not know that history, that it was brought
11 through because the drivers asked for a
12 Commission to speak for them.

13 So that gives us, from you all,
14 some ammunition to work with. Whether
15 everybody agrees or not, and as you can see,
16 when I talk, I talk for Sandy. You notice
17 that when the Examiner called me, I was in the
18 dark.

19 I was like, I don't know what
20 you're talking about. And we'll say that I
21 don't know. And Mr. Baker and others will do
22 the same thing.

1 But now we have something to say
2 that the Commission is serving the industry,
3 the drivers. We're serving you.

4 And our whole purpose is because
5 you asked for us. And so we, I have not lost
6 anything without fighting, okay. And my name
7 and my reputation is very important.

8 When I tell people I'm on the
9 Taxicab Commission, they say, Sandy, have you
10 lost your mind? No, I didn't lose my mind.
11 It was something that needed to be done, once
12 I got here and saw what's going on.

13 We will work to try to make some
14 sense of something that you asked me to vote
15 for in 30 seconds. I mean, it sounded like
16 another role I had once in my life.

17 If you give me something just
18 before I'm supposed to sit down and vote for
19 it. You can't do it. You can't do it. So,
20 believe me, Mr. Tapscott, we will work this
21 out.

22 And we all want to be here. Like

1 you said, for \$25.00 an hour, I charge \$150.00
2 an hour for somebody to call my name, okay.
3 And for \$25.00 an hour, to be here, it's not
4 even \$25.00 an hour.

5 Actually, it's \$25.00 a meeting.
6 And the meeting lasts for eight hours or five
7 minutes, we still get that same \$25.00. And
8 so it is an act of the persons who serve, want
9 to service you.

10 So we'll fight to keep the
11 Commission, and it's just that the powers that
12 be don't know what we do.

13 COMMISSIONER TAPSCOTT: Thank you,
14 Ms. Allen. Our Chairman, Mr. Swain, has
15 joined us again. I turn the meeting back over
16 to him.

17 CHAIRPERSON SWAIN: Miss Travis.

18 COMMISSIONER TRAVIS: Yes, I just
19 wanted to follow up on what Ms. Allen was
20 saying. And that was, you know, it's up to
21 the drivers to police their own.

22 When they were trying to abolish

1 the Commission before, I was so proud of you
2 drivers who came out, and I was there like all
3 day until midnight because they allowed all
4 the drivers who want to speak, to speak.

5 And there were over 200 of you
6 folk who actually talked. And there were some
7 problems with the Commission but, however, you
8 felt that that was the best place to work with
9 the drivers and try, and to the best interest
10 of the drivers.

11 Now, I've been on here since '99,
12 and the \$25.00, that just started maybe about
13 three years ago.

14 But we have, I know I certainly
15 have put everything I could into trying to do
16 the best job that I am trying to do. Some
17 things have happened that we had no control
18 over.

19 That I remember, particularly, and
20 Mr. Tapscott and I did want some input on the
21 rates, you know, how much the starters are
22 charging and things like that.

1 But we asked because we wanted to
2 be a part of any decisions that were made in
3 terms of the time and distance, I mean, which
4 I'm against.

5 But I was informed by the
6 Chairman, when he pulled up on the computer
7 that the Mayor gave him cart blanche to make
8 decisions on behalf of the regs that we had no
9 input, you know, into things like that.

10 And I felt that we should have had
11 some input, but these were just taken away
12 from us. So, all the decisions that's made
13 that's unfavorable, it was not the Commission.

14 The Mayor gave the Chairman that
15 responsibility, there was nothing we could do.
16 But even though the title gives us the
17 responsibility.

18 MR. BETHEA: I would like this
19 Commission to make some real moves. As Mr.
20 Price has stated, I remember also when the
21 Commissioners were making \$7,000.00.

22 I thought it was too little money

1 then. This Government, the president and
2 administration and the leaders want it all
3 back to spend. Taking our money and in no
4 time when you ask for an audit, there has only
5 been one audit, which was Russell Smith's
6 audit in 1997.

7 I recently met with Mr.
8 Tangherlini and Scott Kubly, let me get his
9 name correct. And asked them if they could
10 pay the Commissioners \$10,000.00 each to serve
11 on this Commission, because you cannot expect
12 to get something for nothing.

13 I am tired. When I asked him if
14 he knew what the D.C. Taxicab Assessment Fund
15 was, he didn't even know what the D.C. Taxicab
16 Assessment Fund.

17 I asked him if he could give me a
18 spending plan. I agree with the gentleman,
19 Mr. Baker, there is no way that they should
20 have to come over here and waste their time
21 and not be paid.

22 So my question to this Commission

1 and to the Legal Counsel, why don't you make
2 some real moves. Give yourself a \$10,000.00
3 motion to the Council for you to be paid.

4 And I wouldn't have a problem with
5 it. Because I am sick and tired of hearing
6 this excuse about we extract this money from
7 the Taxicab Drivers to improve the industry.

8 Every time I read it I question.
9 Why do you take this money from the Drivers
10 and when you go through Freedom of
11 Information, you've got to pull hen's teeth to
12 find out how much money is in the assessment
13 fund.

14 I ask for a spending plan from Mr.
15 Kubly. And we we'll get that information to
16 you. I ain't heard nothing from him, and
17 that's been 60 days ago.

18 They don't intend to provide any
19 meaningful explanation on how they have spent
20 our money. And here are these people who hold
21 our fate in their hands.

22 They can't get enough money to

1 even get across town. It makes no sense. I
2 mean this whole process is complete madness.
3 It makes no sense to me.

4 So my question is have the
5 Commission, itself, vote itself a raise and
6 make, and if you can't, then the issue goes
7 back to the man and go back to the Council.

8 Why don't they change the Code so
9 you all can be paid? It doesn't make sense to
10 me. I'm tired of hearing excuses with all the
11 money they've got.

12 CHAIRPERSON SWAIN: Mr. Wright.
13 I'm sorry, Mr. Tapscott.

14 MR. WRIGHT: On at least four or
15 five times I know that I have put it in
16 writing, in the past, put it in writing that
17 you should get paid.

18 Because when I was on the
19 Commission, the Commission earned their
20 salary. And I believe, beyond a doubt, that
21 these Commissioners here should be paid like
22 anyone else.

1 Now, notwithstanding the fact that
2 I don't, I'm not happy with they're not having
3 a hearing, whether a way to reduce a lot of
4 the budget came from that or not.

5 But I believe they should, and I,
6 and to Jim Graham I definitely made in writing
7 a recommendation that you be paid.

8 Now, the next thing I want to say
9 is this. I know this is going to, as
10 unpopular as I am, make me even more so. But,
11 you don't have to be smart sometimes.

12 Now is not a time for us to be
13 smart. Ask for more money for right now, when
14 they're trying to put you out of business.

15 (Off microphone.)

16 CHAIRPERSON SWAIN: Mr. Price, I'm
17 sorry, Mr. Price, Mr. Tapscott first. Mr.
18 Tapscott, I'm sorry, go ahead please, sir.

19 COMMISSIONER TAPSCOTT: I applaud
20 you gentlemen that spoke about a raise up
21 here. A monkey likes money. But, you know,
22 I've been here for seven, almost eight years.

1 When I came on this Commission, I
2 knew there was no money. Everyone that's come
3 on this Commission should have known whether
4 there was money or not.

5 But for seven and a half years I
6 think I have missed one meeting. Now, should
7 I say I should have missed more meetings
8 because I wasn't getting no money, or was I
9 dedicated to this organization?

10 I have served on all kinds of
11 Committees with no money. If you heard Mr.
12 Hansburg, get up and wave a thing in the
13 Committee the other night that he was so proud
14 that he served on that Committee in 2002.

15 Well, every time Mr. Hansburg was
16 there, I was there. And what came out of that
17 meeting was not what Mr. Hansburg and Mr.
18 Causton Toney said.

19 It was rewritten to please them.
20 And not only that, I was in a meeting with the
21 Mayor when we presented, and there was so much
22 unrest in that meeting, the Mayor said go

1 back. He would not even adopt it. So, Mr.
2 Hansburg can sit up there and read about what
3 he did.

4 But, my main thing is, now I was
5 on vacation yesterday. I had to cut my
6 vacation short to come here for this meeting
7 today. I didn't know anything about it.

8 Because I feel I'm dedicated. And
9 everyone sitting on this dias should feel
10 dedicated, whether there's money or not. Now
11 that's my personal opinion.

12 Everybody might not agree with it,
13 but I do applaud you all for saying that
14 Commissioners need to be paid.

15 But, do you just want to draw pay,
16 or do you want to be on this Commission to do
17 the job that's supposed to be done. I don't
18 want to sit here and just take pay and not be
19 able to do what should be done.

20 CHAIRPERSON SWAIN: Mr. Nathan
21 Price.

22 MR. PRICE: In the first place, I

1 respect Mr. Wright's opinion. But even in
2 places that have meters, already have a gas
3 surcharge in place.

4 The problem is that what we're
5 dealing with right now is called the cost of
6 doing business. And when you look at D.C.
7 Code, we are supposed to be audited so you
8 make sure our cost of doing business is
9 covered.

10 That is utmost important. Now,
11 the problem that I have with the Commission
12 and how they've done it, and perhaps, like I
13 said, what you need to do, perhaps, is say
14 instead of having that long gap, say once you
15 put it in place it will last this long, let's
16 say it only lasts a third that long, but it
17 will be reviewed, after a certain period of
18 time.

19 Then it will be dropped or it will
20 be raised. This is how you do it. But you
21 have to protect your industry when it comes to
22 that issue of cost of doing business.

1 That is utmost important. You
2 know, when you look at the people who cry the
3 most about us making money, like at Jim
4 Graham's hearing, business and hotels,
5 restaurants and conventions, things like that.

6 But what I want you to remember,
7 when the cost of corn went up, what they said
8 that beer was going to rise? Beer is going
9 up.

10 Last time when we got a, a couple
11 of years ago when we got an increase, what did
12 the hotels do? They charge an energy charge.
13 Energy charge, because they dealt with their
14 cost of doing business.

15 I look at the feeble fine you want
16 to give the hotel for doing something that's
17 not a civil offense, it's a criminal offense,
18 \$300.00.

19 The average hotel stay, for a
20 night in a hotel is \$300.00. So what are they
21 losing? So the idea is that we have to say,
22 we are business people. And if you respect us

1 as such, we will back your hand. Because we
2 can have the strength to support this Agency
3 and the Commissioners on this Agency, as well.

4 Because these drivers' livelihoods
5 are crying, they want to be protected. And
6 the only way it's protected, is that this
7 Agency function in an efficient manner.

8 In a grand manner that's saying
9 you're reaching out to say we want to
10 represent you and we want to help you. Not
11 only do you represent us, you represent us and
12 the riding public.

13 That's a clarification. Because
14 in our organization, these Taxicab Drivers, we
15 look at it as our partners, the riding public,
16 not just the drivers.

17 CHAIRPERSON SWAIN: I believe it
18 was you, sir, then Mr. King and then Mr. Abdul
19 Kareem.

20 MR. PARKER: My name is Al Parker--

21 CHAIRPERSON SWAIN: I'm sorry, Mr.
22 Parker, I just couldn't remember your name.

1 I'm sorry.

2 MR. PARKER: My name is Al Parker.

3 CHAIRPERSON SWAIN: I know, it just
4 slipped my mind.

5 MR. PARKER: Look, the problem that
6 I've had since I've been driving a cab in
7 D.C., I got my license in 1962. And with the
8 mission statement as to the organization that
9 governs us, I always ask for that, you know,
10 because I want to know how our relationship is
11 supposed to work.

12 But I haven't, I've never received
13 that. I've asked for a mission statement over
14 here at this office, but I've never received a
15 mission statement. So what is your function?

16 I need to know this. And I need
17 to know this in order to talk to the public
18 about a complaint process and all these
19 things.

20 Because a lot of times people tell
21 me, and I say why don't you complain about
22 this. The person wouldn't -- now I tell

1 people and they say, well, the process, you
2 know, I called and they said we'll call you
3 back in 24 hours and all these things.

4 So, these are some of the problems
5 that we're having. But I think if we all got
6 together, the Drivers and the Commission and
7 worked together, I think we can work these
8 things out. Thank you.

9 CHAIRPERSON SWAIN: I'm so used to
10 raising my hand at other meetings, I forgot
11 I'm in charge. I'm still raising my hand.

12 COMMISSIONER ALLEN: We recognize
13 you, Mr. Chairman.

14 (Laughter.)

15 CHAIRPERSON SWAIN: Thank you, Ms.
16 Allen. I appreciate that, Mr. Parker. And,
17 to be honest with you, I appreciate 99.9
18 percent of all of the comments that have been
19 made here today.

20 Well, maybe, one-tenth of one that
21 I may not appreciate, but the rest of them I
22 really do. But I wanted to say this. July

1 27th, when I met with about 250 Cab Drivers
2 over at USA, I told them point blank. I need
3 your help.

4 I can't do this by myself. I'm
5 not the industry. The industry is a bunch of
6 people. Thank you, Ms. Robinson. The
7 industry is everybody.

8 You're part of it, I'm part of it,
9 the citizens are part of it. And that's what
10 we have to do. We have to find common ground
11 to work on.

12 I'm, you know, like Mr. Graham's
13 Task Force is coming up, we're putting a great
14 stock in that. But I'll tell you what, if we
15 don't get participation it's not going to
16 work.

17 And we need to go there and I wish
18 you'd come there with the same fervor that
19 you've got when you come to these meetings.
20 You know, don't hold back.

21 Because, guess what? We're
22 running out of opportunities, we're running

1 out of opportunities to voice our opinion, and
2 it's not just for the Commission, but I said
3 it point blank at my Confirmation Hearing.

4 The Commissioners need to be paid.
5 The Commissioners need to be paid, and it's
6 not the fact that you don't love a job that
7 you'd still to get paid.

8 I mean even the bible says a
9 workman is worthy of his hire. I mean, but
10 you know, Commissioners ought to get paid. We
11 ought to have, I mean we used to have 40
12 people here.

13 We need, you know, we need to have
14 enough people to answer the phone and provide
15 you with the service that you require. And it
16 doesn't come from the Commissioners yelling.

17 It doesn't come from you yelling,
18 it comes from us having one collective voice.
19 And that's what we have to do. We have to
20 find common ground.

21 But I do know that Mr. King, and
22 then Mr. Abdul Kareem have a statement. Mr.

1 King, go ahead, please, sir.

2 MR. KING: I thank you all here
3 today, you know, because what you're saying
4 today and I hope that there be a carryover,
5 because this is what we, as drivers, you know,
6 have been coming over here and saying, is that
7 we want to be able to work with you.

8 To better our industry. You know,
9 we have asked, over the years, for an
10 opportunity to be able to police our industry,
11 and that has been denied.

12 You know, but, you know, we need
13 you and you guys need us. So we're asking
14 that you begin to work more closely with us.
15 And there's one thing that I notice here, on
16 this agenda for today, and that's D, under D
17 where it says, or at E, and it says Regional
18 Taxicab Administrators.

19 They want to focus on a reciprocal
20 agreement. You know, we've talked about this
21 over the years. What is, you know, what is
22 for me, you know, to pick up in Alexandria?

1 You know, just to make it plain
2 and simple, D.C. has the magnetic name. This
3 is why you ask for, this is why people come
4 here. If they're in California they want to
5 get here.

6 They look on-line and wherever to
7 try to find an airport. They say, let's just
8 say Dulles. Because nobody is going to know
9 where Dulles is.

10 But it says Washington-Dulles.
11 You know Baltimore-Washington, all right. You
12 know, Washington Reagan National Airport. All
13 right? You know, but it's Washington.
14 Washington is named.

15 This is where the money is. So
16 why don't you guys protect us. Protect our
17 interests. We pay a fee to operate in this
18 town. Those other folks don't.

19 Why do you let them come over here
20 and usurp our dollars and then take it back
21 someplace else? So begin to speak up for us.
22 Begin to have the police to get out there and

1 enforce these rules to protect our interests.

2 That's the only thing that we ask.

3 You know, we want to better our industry, but
4 bettering our industry is not taking money out
5 of our pockets.

6 Or allowing that money to be taken
7 out of our pockets. So even when it comes
8 down to something like this, I don't care if
9 it was regional people, or a meeting.

10 They're talking about they want to
11 let somebody else, cabs come in here from
12 Annapolis and Prince William County and
13 Frederick and all that. I mean that's
14 ridiculous.

15 You're telling us that you want to
16 put a meter in our cabs, which is then going
17 to decrease our number, but yet you open the
18 doors wide open and you say come on in. Now
19 what kind of sense did this make?

20 It doesn't make a lot of sense.
21 And the other thing I'd like to say, I know
22 this might not be the proper place, but I'm

1 not concerned about all the debt that's being
2 collected, you know, on this meter situation.

3 I'm not overly concerned about
4 that. I mean I'm not overly enthused, because
5 if the people that, some of those, some of
6 that data that you're getting, that I don't
7 care that those people have an address in
8 Washington, D.C.

9 If they are still voting in
10 Wyoming. If they're still voting in Oklahoma.
11 If they're still voting in Texas. If you're
12 not a registered voter in the District of
13 Columbia, you should not have anything to do
14 with policy that effects the lives of the
15 people in Washington, D.C.

16 And that's what I have to say.
17 Thank you.

18 CHAIRPERSON SWAIN: Thank you.
19 Hold, hold, hold, hold on, hold on. First of
20 all, one thing I want to invite you all to do
21 is to come to the COG meeting.

22 Now, the last COG meeting, Ms.

1 Robinson was there. Mr. Bethea was there.

2 MS. ROBINSON: Billy Ray Edwards.

3 CHAIRPERSON SWAIN: And Billy Ray
4 was there. And I brought up the issue of
5 picking up passengers at Dulles.

6 They, I guess to say it mildly,
7 they were not enthused. But, they were
8 somewhat shocked. But the thing about it is
9 at that COG meeting, they're under the
10 impression that everything is fine.

11 And, I'm not kidding, they're
12 under the impression that it's fine. That
13 you're happy. You need to come to the COG
14 meeting. It's a public meeting.

15 MS. ROBINSON: I've talked to the
16 man from Fairfax and stuff, they know that
17 things is not right now. And that lady from
18 Prince George's County talked about their
19 Harbor opening and she don't want all that
20 jurisdiction over there.

21 CHAIRPERSON SWAIN: Miss Lyons and
22 I, we talked about that. A lot of people

1 don't know, but National Harbor goes into
2 operation on April the 8th. They will be
3 operational April the 8th.

4 And we have talked about that.
5 But I think that a lot of the Drivers need to
6 avail themselves of the opportunity of coming
7 down to the COG meeting and making themselves,
8 making their opinion known.

9 MR. KING: I mean the gentleman
10 from Red Top said they've ran 757,000 trips
11 from the District of Columbia, and never
12 received but two citations that has come to
13 his desk.

14 Now, that's absurd. I wrote some
15 numbers down. Over 700,000 trips have been
16 run into the District of Columbia, and he's
17 never had but two citations that's been issued
18 by D.C. Hack Inspectors or Police to a Red Top
19 Taxicab that's come to his desk.

20 PARTICIPANT: They are told to
21 leave them alone.

22 PARTICIPANT: They just suspend

1 their license, they don't have the same system
2 that we have.

3 MR. KING: The point is that is why
4 he's saying everything is fine.

5 CHAIRPERSON SWAIN: Now, the other
6 thing is --

7 COMMISSIONER ALLEN: Are they
8 bringing them in or is that --

9 MS. ROBINSON: They're bringing
10 them in and taking them out.

11 COMMISSIONER ALLEN: Okay, I wanted
12 to hear that.

13 MS. ROBINSON: They have contracts
14 with the same law firm we have.

15 CHAIRPERSON SWAIN: Let's see,
16 Mr. --

17 PARTICIPANT: And they go every
18 place. They don't want to go back to --

19 PARTICIPANT: They take them from
20 the waterfront --

21 (Comments off microphone.)

22 PARTICIPANT: Clifford Chance

1 attorneys, they have Barwood Taxi, Barwood
2 Sedan, Red Top Cab, Red Top Executive Sedan,
3 and then Yellow Cab.

4 So this law firm use everybody.
5 When they should just be using Yellow Cab in
6 D.C.

7 CHAIRPERSON SWAIN: Okay, Mr.
8 Tapscott.

9 COMMISSIONER TAPSCOTT: I'll have
10 to say --

11 MS. THOMPSON: I think it's
12 important to understand that the District,
13 DCMR has a provision, a reciprocity provision.

14 So Section 828 is what is allowing
15 Red Top to in fact bring in and pick up, if
16 someone is going back to Virginia, even though
17 it doesn't necessarily fit the example that
18 you just gave.

19 I think we, yes, we need to be
20 concerned about it, but I just don't want you
21 to misunderstand. They're not operating
22 necessarily illegally. At some point -- hold

1 on, one second.

2 At some point the Commission made
3 a decision, a final rule making back in 1998,
4 to in fact allow taxicabs properly licensed in
5 Arlington County, Fairfax County or the City
6 of Alexandria, Virginia or Montgomery County
7 in Maryland, may pick up passengers in the
8 District of Columbia.

9 And it sets out exactly under what
10 circumstances. If you need to get a copy of
11 it, we can get you a copy of it.

12 MS. ROBINSON: I have those
13 regulations. We weren't involved. We just
14 became, we were just invited to the Regional
15 Taxicab Regulators meeting. They have been in
16 existence far before we were even allowed to
17 even go to the doggone meetings, Doreen.

18 They never had hearings. They
19 never asked us do we want to allow them to do
20 that.

21 MS. THOMPSON: No, no.

22 MS. ROBINSON: Just because the

1 rule is on the book, doesn't mean that it's
2 legal.

3 MS. THOMPSON: I'm saying it's our
4 book.

5 MS. ROBINSON: Yeah, I know that.
6 Just because you made that rule, doesn't mean
7 that there was participation to make the rule.
8 That's all I'm saying.

9 There were no public hearings.
10 They didn't ask us do we think that was all
11 right, no.

12 MR. PRICE: And we didn't cheat.
13 The problem is when the cheat. You do not,
14 you lose your reciprocity authority. See,
15 that's the problem.

16 See, Red Top comes in here, I can
17 bring you a stack from Red Top in 2000, that
18 this girl from a law firm on K Street, in
19 Georgetown, gave me that's like that.

20 And you can look at all the jobs
21 running in D.C. and Maryland.

22 MS. THOMPSON: If you have examples

1 of points, if you have examples, this
2 reciprocity agreement does not allow point-to-
3 point service in the District.

4 So if you have examples, then you
5 should bring them.

6 CHAIRPERSON SWAIN: Hold on, Mr.
7 Tapscott was next. Mr. Tapscott.

8 COMMISSIONER TAPSCOTT: Yes, I'd
9 like to applaud Ms. Doreen Thompson for one
10 thing. Up until she came here, I didn't even
11 know about this regional office taxi thing,
12 was never invited.

13 I sit on this Commission for seven
14 years. And that is one thing that she has done
15 well, and I applaud her for doing it. But
16 we've got to get more involved in it.

17 You go over, these people over
18 there look down at D.C. as, you know,
19 something dirty. They control everything, as
20 far as they're concerned.

21 Now, if you all remember, and
22 here's where you go back to Commissioners,

1 Chairmans. Do you all remember we had an
2 agreement with Dulles Airport, that they would
3 not come in D.C. and pick up.

4 How are they allowed to come in
5 and pick up? Do you all remember at the
6 hospital, Causton Toney brought a letter in
7 there, and I've got a copy of it, authorizing
8 Dulles to come in here and pick up and take
9 back to Dulles Airport.

10 Over to Southeast Community. This
11 is what happened. When we have people that
12 don't give a darn about this industry and they
13 make decisions that kills us, and then we have
14 to live with it.

15 Then the next person comes along,
16 it falls on him. Now if he wants to do
17 something about, fine. If he don't, it just
18 lays dormant.

19 And that is what is happened to
20 this Commission. I've seen, we talk about
21 cutting the staff. I've seen people in the
22 last two years, three years, that has lost

1 their job, fired or whatever, and never
2 replaced.

3 So do you blame the budget for
4 that? When you had that billet on your staff,
5 why wasn't it refilled?

6 CHAIRPERSON SWAIN: Because they
7 took the position. That was the only way.

8 COMMISSIONER TAPSCOTT: They took
9 it because somebody give it up.

10 COMMISSIONER ALLEN: No, no.

11 COMMISSIONER TAPSCOTT: But I, Ms.
12 Allen, you wasn't here when --

13 COMMISSIONER ALLEN: I wasn't on
14 the Commission, but I also know that you
15 don't, can't just take it because somebody
16 gave it up.

17 It has to go through a process,
18 through the Mayor's Office, then to the
19 Council. It is not, if that was the case, I'm
20 fearful that there would be enough people
21 sitting out there in that office to handle the
22 needs of this Commission. If it was up to,

1 and it has been put in the budget on several
2 occasions from the Commission to the Mayor.

3 And when it gets to the Mayor,
4 regardless whether it was Tony Williams, Mr.
5 Fenty or who it was, they cut it out. It was
6 not, so I don't want you to think that they
7 just gave it away. It doesn't work like that,
8 okay. There is a process.

9 COMMISSIONER TAPSCOTT: I
10 understand that. I was in Government and I
11 was a Manager and know how the project works.
12 But, I'm saying --

13 COMMISSIONER ALLEN: And the
14 process is that if there's a vacant position,
15 when you get ready to do the budget, they take
16 that, and if it hasn't been filled, and they
17 will take the position away.

18 COMMISSIONER TAPSCOTT: You're
19 right, but what I'm saying if it's not put in
20 the budget, which we Commissioners are
21 supposed to have a hand in the budget, but we
22 don't.

1 COMMISSIONER ALLEN: We don't have
2 a hand, no. No, Mr. Tapscott. The only hand
3 you've got is the hand where it goes from here
4 to the Mayor. That's the only hand you got.
5 All right?

6 And then after that your hand is
7 the ghost.

8 COMMISSIONER TAPSCOTT: I
9 understand that. I'm not so stupid to
10 understand that the Mayor has got the last
11 word.

12 COMMISSIONER ALLEN: No, he's got
13 the first work, for real.

14 COMMISSIONER TAPSCOTT: All I'm
15 saying is we have to budget. And if we don't
16 put into the budget for these things, we will
17 never get them. If we don't have somebody --

18 COMMISSIONER ALLEN: Mr. Tapscott,
19 we've put it in the budget. That's the only
20 reason why I'm going back and forth with you.
21 Is because one of the things that I've made
22 sure that was going to happen, was that we put

1 an increase in.

2 We put an increase in for
3 personnel, because of all of the complaints
4 that we've been getting here at the
5 Commission. We put it in.

6 COMMISSIONER TAPSCOTT: Well, I'd
7 like to know, I'd like to know when we put it
8 in?

9 COMMISSIONER ALLEN: And that's --

10 COMMISSIONER TAPSCOTT: I have
11 never been privileged to sit in any budget
12 meeting in the last three years.

13 COMMISSIONER ALLEN: Well, I think,
14 Mr. Tapscott, maybe you're not as nosy as me,
15 but when it comes to money I want to see.

16 COMMISSIONER TAPSCOTT: Well, why
17 should you be privy to something and I'm not,
18 and I'm a Commissioner? But Title 31 tells me
19 that I am supposed to have an input in our
20 budget.

21 COMMISSIONER TRAVIS: And initially
22 we did.

1 COMMISSIONER TAPSCOTT: Thank you.

2 COMMISSIONER ALLEN: Regardless of
3 that, I want you to make sure you say the
4 process correctly. Whether you sit there or
5 not. It came from here to the Mayor.

6 And when the Mayor looked at it
7 the Mayor said, and I'm not going to say which
8 Mayor or how many Mayors, because it ain't
9 just these two.

10 It has been coming down the line.
11 And the Mayor, by the time they send it to the
12 Council, whatever your request was, has been
13 changed.

14 When the Council gets it, the
15 Mayor has already taken out --

16 COMMISSIONER TAPSCOTT: I'm not
17 saying that isn't true.

18 COMMISSIONER TRAVIS: Ms. Allen,
19 that might be in the beginning. We were, it's
20 in there that we have input into the budget.

21 COMMISSIONER ALLEN: You have all
22 the input you want.

1 COMMISSIONER TRAVIS: At one time
2 we requested 15 --

3 COMMISSIONER ALLEN: Ms. Travis,
4 you can have all the input you want. When it
5 gets into the Mayor's office --

6 COMMISSIONER TRAVIS: That's true,
7 that's true, he can change that. But
8 initially we requested -- to go into the
9 budget.

10 COMMISSIONER ALLEN: It don't make
11 any difference what we requested.

12 COMMISSIONER TRAVIS: Right.

13 COMMISSIONER ALLEN: It's what we
14 get.

15 COMMISSIONER TRAVIS: Right.

16 COMMISSIONER ALLEN: Now the bottom
17 line is what we get.

18 COMMISSIONER TRAVIS: I mean that
19 maybe true, but initially we did have some
20 input into that. They may change it
21 afterwards, but it was because our reports
22 were --

1 (Many people talking at once.)

2 CHAIRPERSON SWAIN: Hold, hold, I
3 see your hands.

4 MS. THOMPSON: Just one
5 clarification to what Ms. Allen asked. They
6 were numerous enhancements. That's the term
7 that I'm using.

8 COMMISSIONER TRAVIS: Right.

9 CHAIRPERSON SWAIN: Okay, first of
10 all, the issues having to do with funding, the
11 issues having to do with operational budgets
12 and personnel are issues that would definitely
13 be brought up with this Task Force.

14 That's why I keep going back to
15 the, that's why, hmm?

16 COMMISSIONER ALLEN: I've had, this
17 is the first time I'm going to say this and
18 I'll say it on the record. You've got a
19 Commission, what the heck is the Task Force
20 going to do, the Commission is not authorized
21 already to do?

22 CHAIRPERSON SWAIN: Well, you know

1 what --

2 (Many people talking at once.)

3 CHAIRPERSON SWAIN: Hold, hold,
4 hold, Sandra. I will only say one thing. It
5 was created by the Council to come in and take
6 a look at the Agency and try to revamp it.

7 But also, I'll say something else,
8 it's not a secret. The Commission has had a
9 reputation of not doing some of the things
10 that it ought to do.

11 That they've taken too long to
12 make some decisions. Now, I'll be right up
13 front. I, you know, hey, I'm looking forward
14 to the Task Force because I'm looking for it
15 to have some additional input.

16 I'm also looking forward to a lot
17 more people being involved in it. You want it
18 too.

19 COMMISSIONER ALLEN: Well, Mr.
20 Swain?

21 CHAIRPERSON SWAIN: Yes, ma'am.

22 COMMISSIONER TAPSCOTT: The same

1 people that is on there are the same people
2 that have got us in the position we're in
3 today. Mr. Hansburg, number one. They don't
4 care about no taxpayers.

5 CHAIRPERSON SWAIN: Yeah, go ahead,
6 Mr. King.

7 (Many people talking at once.)

8 CHAIRPERSON SWAIN: I'll get to
9 him. I've got Mr. King and then I've got
10 Abdul Kareem, I've got both of them. And then
11 I'm going to go ahead and move this forward.

12 (Many people talking at once.)

13 CHAIRPERSON SWAIN: Gentlemen. Ms.
14 Robinson, thank you. Mr. King, you've got two
15 minutes and then --

16 MR. KING: I don't even need the
17 two minutes.

18 CHAIRPERSON SWAIN: Okay.

19 MR. KING: I'm just going back to
20 what Doreen was talking about, the reciprocal
21 agreement. We know that there's reciprocal
22 agreements, but they're supposed to be going

1 back to the counties that they're licensed in.

2 And it's not being done. And
3 every time they come over here and say
4 something to this administration, then what we
5 get is that we don't have the authority.

6 We don't have the personnel to be
7 able to get out there and enforce it. I don't
8 want to hear any of that about them having a
9 reciprocal agreement.

10 What I want to hear is that you're
11 going to do something about it. Don't keep
12 telling me you're going to read it and tell me
13 something about, oh well, they've got the
14 right to come in here, I just want to make
15 that clear.

16 I want to make it clear that we
17 understand that. But I also want to make it
18 clear that we come here and told you about it
19 and you need to do something about it. And
20 that's what I want to make clear.

21 CHAIRPERSON SWAIN: Thank you, Mr.
22 King. Mr. Kareem.

1 MR. KAREEM-AMED: Mr. Chairman, I
2 was going to say something to Commissioner
3 Baker, but since he left I'm going to say it.
4 I'd really love to say, you know, why he's
5 here because I don't want to make things back
6 biting to him.

7 So, sometime this year we have
8 really, especially since I've come to America,
9 we have short memory. We forget keys to
10 everything.

11 So on September 11, when we took
12 the, there's a vote on 1901 Mississippi
13 Avenue, they took more than four times the
14 vote.

15 I came from a country called
16 Somalia, 17 years civil war. Each War Lord
17 has his own. The Union confused, area
18 confused, we're confused, African Union
19 confused. Then what this country, what is the
20 problem?

21 They don't know, they remind me
22 sometimes of the Commission, the War Lord back

1 home. The only thing left, they don't have
2 army.

3 It seem like we need to have
4 agenda and we need to prioritize our agenda.
5 You know, attacking one another here. This
6 not enforced, you are playing with people's
7 livelihood here.

8 So, Mr. Baker say, I don't get
9 paid here. Well, you choose to come here.

10 COMMISSIONER TAPSCOTT: Thank you,
11 thank you.

12 MR. KAREEM-AMED: -- Mr. Baker,
13 he's got position. Give somebody else who is
14 willing to serve this Commission.

15 So, what I want to say is we need
16 to accomplish something. I think we need --
17 we've got to accomplish something, you see,
18 because we all get off from our work, you are
19 all here, we need to have a small, you know, a
20 long-term plan and short-term.

21 We need to accomplish something.
22 The agenda, we are not even have, we are going

1 back on form here and let's see if, and I'm
2 hoping next meeting, because I've been meeting
3 with Causton Toney here, you know, and I see
4 all the time, you know, the travelers I
5 understand their frustration.

6 But the Commission, you're the
7 leadership here. We want you to come and
8 concrete you know, an agenda. And at least we
9 can follow you as the leadership and we know
10 from that in the future we don't want to take
11 that and here and, to be honest with you, I'm
12 collecting petition right now.

13 I'm not going to hide it from you.
14 I have almost 1,000 petition to get rid of
15 Heinemann, Pahwa and Baker. Because, to be
16 honest with you, they just have their agenda
17 here.

18 CHAIRPERSON SWAIN: Which three
19 were those?

20 MR. KAREEM-AMED: Heinemann and
21 Pahwa and Baker. I mean, to be honest, what I
22 learn from them the time of September 11, the

1 voting, these guys they don't even, they don't
2 even want to sit there.

3 They don't even, thinking our
4 livelihood. They just have some kind of a
5 personal attack and told to the Cab Drivers,
6 especially Heinemann.

7 So we knew, to be honest with you,
8 so what we need, please, let's work together
9 and move on because this is our life. We have
10 families to take care.

11 And you're the Commission and
12 Chairman and Madame Counsel. So we will work
13 with you. You see we are no problem. But
14 let's have an agenda in the future and we can
15 work together.

16 We are way behind, really, you
17 see. But otherwise, if we are fighting with
18 you, you are fighting with us, what do we
19 accomplish? Nothing.

20 And, I'm sorry, you know, if I
21 raise my voice. That's the way we talk in
22 Somalia.

1 CHAIRPERSON SWAIN: Okay, any other
2 comments? I'm sorry, Mr. Carter.

3 COMMISSIONER CARTER: I move at
4 this time we move, take a look at gas
5 surcharge.

6 COMMISSIONER ALLEN: I'm sorry, he
7 moved, there's a motion on the floor to look
8 at gas surcharge?

9 COMMISSIONER CARTER: Yes.

10 CHAIRPERSON SWAIN: Okay. I'm
11 listening.

12 COMMISSIONER CARTER: In this
13 study, and this is today's market, daily fuel
14 gauge report, is this the AAA report?

15 CHAIRPERSON SWAIN: Yes, it is.

16 COMMISSIONER CARTER: It looks like
17 the one I get.

18 COMMISSIONER TRAVIS: We can't hear
19 you down here.

20 COMMISSIONER CARTER: Well, I'm not
21 very loud. But I'm looking at this and what
22 I'm looking at is the, pulled off the

1 computer. Mr. Chair has a copy and it was
2 distributed to us.

3 General trends for the price of
4 gasoline. The reason I brought the gasoline
5 surcharge is we're, we are getting ready to go
6 into the holidays, not particularly so I can
7 buy more gifts or look at more gifts, however,
8 the current prices are 95.62 yesterday.

9 CHAIRPERSON SWAIN: What, for a
10 barrel?

11 COMMISSIONER CARTER: Yes.

12 CHAIRPERSON SWAIN: Yes, sir.

13 COMMISSIONER CARTER: Was it 95.62?

14 CHAIRPERSON SWAIN: Yeah, they said
15 it dropped three dollars yesterday.

16 COMMISSIONER CARTER: All right.
17 The prediction is \$100.00 by the end of the
18 year. Well, I'm sorry, but I'm only 45 cents
19 short of 100.

20 In all honesty, I think we should
21 probably be talking about some legislation and
22 right now, through Christmas, I think that

1 this is, regular is going to push, I would say
2 it's going to be closer to \$3.30, \$3.40 a
3 gallon.

4 MS. ROBINSON: It's that already.

5 COMMISSIONER CARTER: Is it,
6 Virginia and --

7 MS. ROBINSON: I'm talking about
8 that Exxon there at, near the Watergate.

9 COMMISSIONER CARTER: They can
10 charge what they want to.

11 MS. ROBINSON: It's \$3.59 already.

12 COMMISSIONER CARTER: High test or
13 regular?

14 MS. ROBINSON: High test, that's
15 all I use.

16 CHAIRPERSON SWAIN: Mr. Carter,
17 these are the national averages.

18 COMMISSIONER CARTER: All right, if
19 we're looking at national averages, California
20 being --

21 CHAIRPERSON SWAIN: I'm sorry,
22 these are the local.

1 COMMISSIONER CARTER: I'm sorry.
2 California being the highest, I don't have
3 that.

4 CHAIRPERSON SWAIN: I'm sorry,
5 these are the local, the Washington, D.C.
6 area.

7 COMMISSIONER CARTER: If we're
8 looking --

9 CHAIRPERSON SWAIN: I'm sorry, for
10 Washington, D.C., get myself straight.

11 COMMISSIONER CARTER: If we're
12 looking now at, and I looked at one that was,
13 I went to X Brand this morning or, I'm sorry,
14 yesterday morning, and it was \$3.13.

15 So I don't know what brand they're
16 doing, real brand they're doing. The lower
17 cost might be a little better, but I don't
18 know.

19 But we ought to be thinking about
20 really putting in a gas surcharge and running
21 it probably at least 120 days or 180 days, and
22 let it run its gambit.

1 CHAIRPERSON SWAIN: Miss Allen?

2 COMMISSIONER ALLEN: Mr. Carter, I
3 agree that there should be a gas surcharge,
4 but the time frame. I'm thinking we need to
5 put some language in there because we'll be
6 back, we'll be back.

7 And so if we're going to do it, we
8 need to do it with some caveats or some
9 underlining that we can, as the prices of the
10 gas fluctuate, that there's some way we can,
11 if it goes down to \$2.50, then we can take it
12 off.

13 But determine, as the gas goes to
14 a certain amount, then we can go back. Now
15 that, that's just my concept. And I've just
16 got my one little car and I'm like, \$20.00
17 won't fill it up right now.

18 So, I think that that's what we
19 need. And I don't use my car for it now.

20 COMMISSIONER CARTER: Well, Ms.
21 Allen, I'll take that as a friendly limit.
22 And I honestly do believe you're right. But I

1 think we should find a triggering point.
2 Might price be a triggering point?

3 COMMISSIONER ALLEN: I think that
4 we can ask our General Counsel if she'd look
5 at some language that will give us the
6 flexibility to be able to move as the, say,
7 \$20.00 we go into surcharge.

8 When it comes back down, we'll
9 lower that, and then the surcharge goes off
10 until such time, and may go back up again.
11 But the language would be something that she
12 could come up with. I think you have the
13 intent.

14 MS. THOMPSON: I have a comment,
15 while language is fine, the operational, the
16 way it would operate might present some
17 problems.

18 The second thing is what the
19 prices are every Monday into this week,
20 according to AAA. So what you're seeing is
21 the constant fluctuation.

22 So, to the extent, say for

1 example, you might want to think how you might
2 want it to work.

3 COMMISSIONER ALLEN: Well, that was
4 the reason I said \$20.00, because I don't see
5 it --

6 MS. THOMPSON: So, in May of 2007,
7 when gas prices were \$3.23, we placed a dollar
8 surcharge. And it stayed in that area for,
9 until the end of July, then it dropped.

10 So what we run into is, you're
11 either, we can do a sticker that goes on, that
12 we give to the cabs indicating what the
13 surcharge is.

14 So we have to somehow, at some
15 point, determine that the increase is going on
16 long enough, number one.

17 So you might want to say, I don't
18 know if there are several, if you see a
19 decrease or something before you would have to
20 do it.

21 COMMISSIONER ALLEN: That's why I
22 asked that you work on the wording and the

1 legalities of how we do it. But to put down
2 120 days on there, and then you'd have to go
3 back and do it again for 120 days, I think
4 that there should be some way that we know,
5 and the Drivers won't have to come in and ask
6 us.

7 But there's already a regulation
8 in place, that gives us the option.

9 MS. THOMPSON: Let me see, I'm
10 sorry, you're saying to the extent that it
11 goes back up?

12 COMMISSIONER ALLEN: At a certain
13 point.

14 MS. THOMPSON: Well, it would have
15 to, if the, let's think this through. If
16 you've got --

17 COMMISSIONER ALLEN: Okay, I'm
18 thinking it through.

19 MS. THOMPSON: -- and it says 120
20 days, and then, as you see here, what happened
21 is 30 days into the emergency, the price
22 drops. So now it's below the amount. What

1 you're thinking is that it would come off, but
2 if it goes back up, it goes back on?

3 COMMISSIONER ALLEN: Right.

4 MS. THOMPSON: Okay, we do stickers
5 saying when the emergency --

6 COMMISSIONER ALLEN: Then we have
7 to revise the sticker. I mean, you know --

8 MS. THOMPSON: Precisely. And
9 that's all, that's all I'm getting at.

10 COMMISSIONER ALLEN: Okay, we just
11 have to revise the sticker to say --

12 MS. THOMPSON: But let, I have one
13 more. What happens is, let's say you're
14 revising the sticker. The price goes back up,
15 it's not something we know, that's why I
16 often, when it's been on, I'm just giving you
17 a little history.

18 In reality, what has happened is,
19 once it's on, the Commission tends not to take
20 it back off. Because by the time you're
21 manipulating it, something else has happened.

22 If you look you'll see it starts

1 to go, it starts to fall. And at some point
2 it gets below that trigger, which I think was
3 \$2.78, when we decided to put it on.

4 Then it starts to rise again. So,
5 I don't know legally how we come to the
6 notice. I mean this is --

7 COMMISSIONER ALLEN: Right. And
8 what I'm saying about the notice, and Mr.
9 Carter, come on, this is yours, it ain't mine.
10 I second your stuff.

11 COMMISSIONER CARTER: Well, I
12 understand. But finding a trigger point is
13 hard. And I'm listening to Counsel too. The
14 trigger point --

15 COMMISSIONER ALLEN: We set it.
16 Can we not set a trigger point?

17 COMMISSIONER CARTER: We can set it
18 a trigger point for --

19 COMMISSIONER ALLEN: For both ways,
20 on and off.

21 COMMISSIONER CARTER: Well, here's
22 what I don't like, here's the second part to

1 what you're saying. I don't want the public
2 to become confused, because on Monday, if it's
3 let's say the trigger is \$5.00.

4 COMMISSIONER ALLEN: Umm hmm.

5 COMMISSIONER CARTER: And then by
6 Wednesday the price of gas is \$4.99. We've
7 got a play here.

8 COMMISSIONER ALLEN: Okay, so if
9 \$4.99 or lower stays in effect for two weeks
10 or a week and a half, and that fourth, can we
11 not go back to, you know, go back to the
12 original price?

13 COMMISSIONER CARTER: Yeah, sure,
14 but all those things have to be, we would have
15 to work that out.

16 COMMISSIONER ALLEN: Right.

17 COMMISSIONER CARTER: So, my first
18 suggestion would be the motion that I made,
19 that we really take a look at it for 120 days.
20 And during the next, because we have other
21 things on the plate, during the next 90 days,
22 February, March, by March have a solution.

1 CHAIRPERSON SWAIN: I sat here last
2 time, I watched the last rate increase that we
3 did. And then I watched the last five weeks
4 of it, where it went below the national
5 average.

6 And we did not take it off. There
7 were five weeks where it was, excuse me, there
8 were five weeks where it was below. And we
9 did not do anything about it.

10 We fielded phone calls over here
11 saying, the public said the price of gas is
12 less than what it was. I am not inclined to
13 see anything go for 120 days, and say we're
14 coming back again in 90 days and take a look
15 at it.

16 We recognize that that's a
17 problem. I've heard Mr. Wright, I've heard
18 Mr. Price. I've heard Mr. Carter. I've heard
19 everybody up here, but I am, I just don't see
20 how, at this particular time, that we can turn
21 around and say that we're going to take and
22 raise the price of gasoline or something that

1 goes up and down every day.

2 And say that we're going to put it
3 in effect, and leave it into effect for 120
4 days. I don't see how we can do that. Now, I
5 am inclined to give you a gas surcharge.

6 I'm inclined to vote for one. But
7 I'm not inclined to vote for a gas surcharge
8 that runs more than 45 days before we actually
9 come back and take a look at it.

10 When you start talking about 120
11 days, even when you start talking about 90
12 days, you're talking too long, because it's
13 such a volatile thing.

14 And that's how I feel about it. I
15 feel strongly about that. I'm inclined to do
16 a gas surcharge, but I'm not inclined to let
17 it run totally rampant for more than the 45
18 days without it expiring.

19 And if the price of gas continues
20 on, then we come back, we make that decision
21 in the December meeting. We'll look at the
22 price, we'll add this to the December thing.

1 If the price is still up there,
2 then we make an adjustment, maybe extend it
3 for a month. To say 120 days, I just think
4 that's just entirely too long to let it run by
5 itself, the way the price fluctuates.

6 COMMISSIONER TRAVIS: Well, I know
7 they are saying that they expect the gas will
8 be going up over the Christmas holidays, in
9 December.

10 CHAIRPERSON SWAIN: Yes, ma'am, but
11 I've heard two different things. I've heard
12 the price of gas dropped \$3.00 yesterday, and
13 the new Government things that they were
14 saying they expect it to go down, and they
15 don't now expect it to go as high as they
16 thought it was.

17 We don't know. But the thing
18 about it is that to go ahead and wrap it up, I
19 see your hands and I will call on you.

20 But to go ahead and wrap it up for
21 120 days, I think is irresponsible. I think
22 that we take it, find a medium point at which

1 we go back, we take a look at it, but I'm
2 simply not inclined to do it.

3 But I serve at your pleasure. Any
4 other Commissioner? Mr. Tapscott, I'm sorry.

5 COMMISSIONER TAPSCOTT: I have
6 mixed feelings about it. I'm a Cab Driver,
7 and every time I pull up to the pump, I have
8 to pay the same price that everybody else do.

9 Yet, I'm hearing what the Chairman
10 is saying. To put it in and not put a cap on
11 it some kind of way, we're hurting ourselves
12 and the riding public.

13 To keep it in there, when the gas
14 has dropped below. So I'm inclined more or
15 less to go along with what Ms. Allen is
16 saying.

17 If we can come up with a figure,
18 when it goes past that, then we Commissioners
19 don't have to come back, the Chairman
20 automatically can put in.

21 When it goes below that point, it
22 automatically comes off. I think we've got to

1 hit some kind of medium, but I know the price
2 of gas. I need a raise like everybody else,
3 when I put a gallon of gas in.

4 I was just coming out of Virginia,
5 it's not getting no better. Used to you could
6 go to Virginia and get a tank of gas, but it
7 ain't no difference in Virginia than it is
8 here.

9 I paid \$3.00 and some cents in
10 Virginia yesterday. So, I hear the Chairman,
11 I hear what you all are saying. We need a
12 raise. Every time I go to the pump, I have to
13 pay the same thing.

14 So we need to come up with
15 something that to balance out both sides.

16 CHAIRPERSON SWAIN: Okay, I'm going
17 to go one time around, I'm sorry, Mr. Carter,
18 15 days and we'll be right on line.

19 (Laughter.)

20 CHAIRPERSON SWAIN: I know, 15 days
21 we'll be right on line. Ms. Robinson.

22 MS. ROBINSON: Carol Robinson,

1 Yellow Cab 800. My concern, of course, is the
2 gas, because I use the gas to operate my
3 business.

4 Now, I think we should think in
5 terms when the gas goes up, the airplane
6 flights go up, you know, and it costs us more
7 to operate our business.

8 Yes, we need some type of
9 emergency assistance. And it should be some
10 kind of way that a general law could be
11 crafted, in the Register.

12 Because, me, personally, as long
13 as that war is going on over there, we're
14 going to have problems with this fuel. You
15 know, it's just that simple.

16 Yes, it goes down. I went to the
17 gas station one day, when I came out to go, I
18 didn't want to purchase it, because there was
19 too many people in there.

20 When I came back the next morning,
21 the gas had gone up ten cents. See, so, this,
22 it's difficult for the driver. Yes, it's

1 difficult for the riding public, too.

2 But at the same time, a lot of
3 people, I have surveyed people who ride in my
4 cab, who even ask me how are you making it now
5 that the gas is high?

6 So the citizens and the consumers,
7 that use our vehicles, they understand. Yes,
8 you're going to have some that's going to
9 complain all the time, anyway, because some
10 want to ride free, you know.

11 Some want to just pay \$2.00 and
12 ride forever. But those, you can ignore. The
13 average person that uses our services and
14 appreciates our services, don't mind paying.

15 Because they thought they put us
16 out of business when the subway came. We
17 still take people to Reagan National.

18 CHAIRPERSON SWAIN: Mr. Price, I
19 believe you were next.

20 MR. PRICE: I'm kind of, you know,
21 I know about by rule there's a set period of
22 time, and I've always been kind of against it

1 because of the fluctuating price.

2 The last time that we got the
3 approval, we had asked for the approval almost
4 four months, 120 days before then. But it
5 took the four months to get to that point.

6 Then once we got it, then all of a
7 sudden the price of gas starting going down.
8 But we had already paid the cost in front.
9 So, I listened to what Mr. Carter said, and I
10 listened to what you said.

11 And I think how it is in the Code
12 or the Department rule rather, is it is too
13 long, because of the fluctuation in price.
14 But, I really think there needs to be some
15 median point, whether it's 45 days or 60 days.

16 The original 60 days sounds good,
17 because what that will do, that will cover you
18 past the January meeting, where you won't look
19 so embarrassed.

20 You won't have to look at the Cab
21 Drivers saying well, damn, now it's four
22 something, \$4.00 and something, because this

1 morning I spent \$61.00 for 17 gallons.

2 So, and I went to what I thought
3 was a cheap gas station and I blew my mind.
4 But the problem is that you have to, you don't
5 want to lose your riding public.

6 But, at the same time, we're
7 constantly playing a balancing act. We have
8 to meet the cost of business. So the time
9 frame, at least the initial time frame, should
10 be maybe 60 days.

11 And then maybe come, because by
12 that time you'll meet at least that one
13 meeting, that has nothing to do with gas.

14 CHAIRPERSON SWAIN: Well, we're
15 going to add that to that, the December
16 meeting.

17 MR. PRICE: Right, and then you'll
18 have your January meeting where you can
19 further assess.

20 What that also will do, then from
21 that point, from the December meeting and the
22 January meeting, you can say from now on,

1 maybe we'll look at 45-day increments, instead
2 of what the rules have right now.

3 That way the riding, but the most
4 important thing to me, as a Cab Driver, is
5 that the statement that's given to the press
6 must be precise.

7 Because they did such a poor
8 statement --

9 COMMISSIONER CARTER: Mr. Chair,
10 excuse me for just a minute.

11 CHAIRPERSON SWAIN: Go ahead.

12 COMMISSIONER CARTER: Also, Mr.
13 Chair, by the time this, these things are
14 published, by the time the Drivers, that the
15 public is notified.

16 By the time we get the sticker,
17 we've already lost ten to 15 days. So, you
18 know, well 45 days might be a great time
19 frame.

20 It takes us about 15 days to get
21 through the process and get it to the Driver.
22 So the notice is on. We've been in a

1 situation where we've announced to the public,
2 okay, and the Driver, and there's no
3 notification, no written notification.

4 So we've had, well you're not, you
5 shouldn't charge it, but you're in your rights
6 to charge it, and we get this back and forth
7 between the server and the served.

8 The other challenge is we've had
9 it announced in the paper, and the Drivers
10 didn't know anything. So, and another
11 challenge has been the stickers never finally,
12 well they finally came, but they never came,
13 in essence.

14 So, it's going to take us that
15 many days to put it together. If it's going
16 to take us that many days to put it together,
17 then I look at it as a 60-day process.

18 CHAIRPERSON SWAIN: Okay, I'll tell
19 you what I'll do, Mr. Carter. I will go along
20 with your 60-day process, but I'm going to
21 make this very, very clear.

22 Gas starts to drop, and I will

1 invoke it, and I will cut it off. I will not
2 wait five weeks for it to expire.

3 I'm not going to sit there and do
4 that. I'm not going to tell you that I'm
5 going to play that game. If gasoline starts
6 to drop, I will personally stop it.

7 And I do have that right to stop
8 it. It doesn't have to be a democracy, that
9 particular point there. It's never a
10 democracy when the price keeps going up and
11 the price starts to drop and nobody comes in
12 here and says, hey, it's been dropping there
13 for five weeks, let's give them their money
14 back.

15 Democracy only happens when it
16 happens to benefit one certain individual.
17 But all I'm saying is that if the price falls
18 out of the market, I find it very, very hard
19 to see how we can sit there, as a Commission,
20 and say that we're not going to go back there
21 and immediately make some adjustments to the
22 price.

1 COMMISSIONER CARTER: Mr. Chair, if
2 that's your point then we, as Ms. Allen
3 suggested, one a temporary basis, we probably
4 need to set a trigger.

5 And the trigger would have to be
6 the price of the fuel. So --

7 CHAIRPERSON SWAIN: Okay, but see
8 all the numbers that we need to find out what
9 that trigger is, is going to take us a while
10 to get. Ms. Allen. I'm sorry, Mr. Tapscott
11 was next, I'm sorry.

12 COMMISSIONER TAPSCOTT: I'll yield
13 to Ms. Allen.

14 CHAIRPERSON SWAIN: Okay, go ahead.

15 COMMISSIONER ALLEN: Thank you, Mr.
16 Tapscott. Mr. Chairman, with the motion here
17 on the floor --

18 CHAIRPERSON SWAIN: Yes, ma'am.

19 COMMISSIONER ALLEN: -- I'd like to
20 amend it so that it says that a fuel surcharge
21 for 60 days with, with a review of continued
22 rules for pricing surcharges and a cap. That

1 means that we will come back --

2 CHAIRPERSON SWAIN: And go up or
3 down.

4 COMMISSIONER ALLEN: -- and go up
5 or down. We may never put another surcharge
6 on there or not, but at least Madame Counsel,
7 that is the intent, okay?

8 CHAIRPERSON SWAIN: Okay, I've got
9 no problem.

10 COMMISSIONER ALLEN: So, I would
11 like to change the original, amend the
12 original motion to what I just said.

13 CHAIRPERSON SWAIN: Okay, can I ask
14 one question, before we go much further?

15 COMMISSIONER ALLEN: Umm hmm.

16 CHAIRPERSON SWAIN: How much money
17 are you talking about?

18 COMMISSIONER TAPSCOTT: That's what
19 I had my hand up for.

20 COMMISSIONER ALLEN: What was the
21 surcharge last time, a dollar?

22 CHAIRPERSON SWAIN: A dollar.

1 COMMISSIONER TAPSCOTT: And it was
2 too much.

3 COMMISSIONER ALLEN: So we can
4 add --

5 CHAIRPERSON SWAIN: Hold, hold,
6 hold, hold up, Mr. Tapscott, what was that you
7 said, sir?

8 COMMISSIONER TAPSCOTT: I think a
9 dollar was too much. If you take what we need
10 to look at, and I'm a Driver, is how many
11 trips do an ordinary Cab Driver run a day?

12 And if a Cab Driver runs 20 trips
13 a day, you will add, let's say 15 cents, 20
14 cents, what do we need to set it at?

15 Because if he runs 20 trips a day
16 and gets a dollar extra, that's \$20.00, and he
17 is getting too much, in my opinion.

18 Now, saying that, that's one thing
19 I want to say. What do we set it at? And,
20 Mr. Chairman --

21 CHAIRPERSON SWAIN: Yes.

22 COMMISSIONER TAPSCOTT: -- I don't

1 agree with you. We're sitting here and you're
2 asking us Commissioners --

3 CHAIRPERSON SWAIN: I understand.

4 COMMISSIONER TAPSCOTT: -- to rule
5 on something and then you turn around and say
6 you are going to do so and so.

7 CHAIRPERSON SWAIN: Yes, sir.

8 COMMISSIONER TAPSCOTT: I don't
9 think you get, we vote on an item, if anyone
10 has the authority to do it on their own, it's
11 up to the Commission.

12 And I would appreciate you
13 changing your opposition on that to say that
14 you will bring the Commission back in.

15 CHAIRPERSON SWAIN: I will ask the
16 Commissioners for their opinion.

17 COMMISSIONER TAPSCOTT: But really
18 we need to look at, and in all honestly, for
19 the public and the riders.

20 CHAIRPERSON SWAIN: You've got to.

21 COMMISSIONER TAPSCOTT: If we say a
22 dollar, and we're saying we make 20 trips a

1 day, that means \$20.00 more we're paying,
2 we're spending for gasoline.

3 Which we need to look at to see if
4 that is high. Now, you know, I know we need a
5 raise.

6 CHAIRPERSON SWAIN: Yes, sir.

7 COMMISSIONER TAPSCOTT: But it's no
8 use gouging and public.

9 CHAIRPERSON SWAIN: Thank you, sir.

10 COMMISSIONER TAPSCOTT: It's no use
11 gouging the public. Let's be honest with us
12 so that we get enough money to support the
13 raise and also don't gouge the public.

14 I ask you all to look at that very
15 hard.

16 CHAIRPERSON SWAIN: Mr. Carter, you
17 threw it out here, I'm listening.

18 MS. THOMPSON: Can I --

19 CHAIRPERSON SWAIN: I'm sorry, yes.

20 MS. THOMPSON: I think this is from
21 the, I think this is the two-year period a
22 rate increase. I think the last one --

1052

1053
1054
1055
1056

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 COMMISSIONER CARTER: That period
2 is too short.

3 MS. THOMPSON: Pardon me?

4 COMMISSIONER CARTER: That period
5 is too short.

6 MS. THOMPSON: I'm sorry, what does
7 that mean?

8 COMMISSIONER CARTER: We can look
9 at it, but we can't do anything about it.

10 MS. THOMPSON: Because?

11 COMMISSIONER CARTER: The last rate
12 increase was --

13 MS. THOMPSON: January, '06.

14 MR. PRICE: January, '06, and --
15 The cost was .19, it was 20 percent, less than
16 20 percent. We didn't get a 20 percent
17 increase, we got 10 percent. We got shorted.

18 So the idea is that as the cost is
19 constantly been going up, and you keep
20 worrying about saying, if you're going to keep
21 cutting out, you know, this, you know --

22 COMMISSIONER CARTER: Return on

1 investment.

2 MR. PRICE: But you can't keep
3 trying to say, you know, I grew up in this
4 town, I was born '43 in Washington. And we, I
5 can remember how many cabs, because it wasn't
6 that many.

7 But I don't mind driving people
8 because making cabs affordable, but the same
9 time we're not a welfare system. These are
10 small businessmen, their own businesses, you
11 know.

12 A lot of these businessmen do not
13 have supplemental income for a retirement
14 check or another job. So, therefore, you
15 can't gauge 20 trips and say what 20 trips
16 will bring, because you have to figure out
17 what is their average trip, you know.

18 Because there are some trips
19 you'll take, and you add a dollar to it, and
20 let's say you're going 60 miles.

21 Well, the cost of that gasoline is
22 rated, you lost that dollar, maybe, in the

1 first 20 miles or ten miles.

2 CHAIRPERSON SWAIN: Okay, okay, Mr.
3 Carter, I'm still listening for your price?

4 COMMISSIONER CARTER: It's not a
5 question of price, it's a question of need.
6 The understanding is, and I've been doing this
7 for a long time, even on my side of the fence.

8 It is not a high profit margin
9 business. No transportation business is. I
10 don't care that a person does 20 trips,
11 because a guy can do 20 trips a week, or a
12 lady. I'm sorry, Carol, can do 20 trips a
13 week.

14 The question to me is what's going
15 to satisfy the need that we can reasonably
16 look at.

17 CHAIRPERSON SWAIN: I'm going to
18 get pretty angry soon, I'm looking for the
19 number.

20 COMMISSIONER CARTER: I'm stuck at
21 a dollar. I just am, I'm stuck at a dollar.
22 I mean it doesn't make any sense otherwise.

1 CHAIRPERSON SWAIN: Mr. Tapscott.

2 COMMISSIONER TAPSCOTT: You know
3 Title 31 says that we are supposed to, every
4 two years, look at our overall costs.

5 CHAIRPERSON SWAIN: Umm hmm.

6 COMMISSIONER TAPSCOTT: And our two
7 years is just about up. No one has said when
8 are we going to start looking over costs. Gas
9 is not the only thing that goes up.

10 Tires go up. The price of cars go
11 up. Salaries go up, with the Government
12 increase. They going up two percent. But,
13 your cost of living is the same thing as
14 Government.

15 So we need to, my thing is, and I
16 have a real problem with it, give me something
17 here and later take it away. Now I've got
18 used to that dollar surcharge.

19 It's putting 20 more dollars in my
20 pocket. And then when it goes off or 20 days,
21 I lose that 20 dollars. It hurts then.

22 We need to look at something that

1 is going to be overall for the expenses of
2 operating the cab.

3 And then we wouldn't need all the
4 surcharges being put on, as we do. If we was
5 up to snuff, like Mr. Price said, that the
6 last time it was 18 percent, and we only got a
7 ten percent.

8 So we are always behind. So if we
9 look at what it costs for a Driver to put a
10 car on the street, how much is he going to
11 make off of the return.

12 Then we wouldn't always need the
13 surcharge. Make it where we don't need it. I
14 mean it might have, gas might go up and stay
15 up for three months, yeah, then that's part of
16 doing business for those three months.

17 But when it comes back down,
18 you're still getting your profit off of what
19 you're doing. So, I think, right now, we need
20 to look at the overall picture, rather than
21 just putting on a surcharge so much.

22 I'd like to see an overall picture

1 of what we're doing and not just somebody that
2 don't know anything about it, doing it.

3 I'd like to see it done
4 professionally, and bring us up to scale to
5 what we should be getting.

6 CHAIRPERSON SWAIN: Okay. Ms.
7 Allen, then Mr. Wright.

8 COMMISSIONER ALLEN: Mr. Tapscott,
9 we're looking at a surcharge for fuel right
10 now. Come, is it April, we'll have a whole
11 new system altogether anyway, according to
12 these regulations that we were just given this
13 morning.

14 And so right now what we're
15 looking at is what we need to do now, okay?
16 The system is getting ready to be overhauled,
17 with or without our permission, our input or
18 anything.

19 It is getting ready right now. We
20 need to look at a fee. I don't know what the
21 number is because, as you so nicely put it, I
22 am not in the industry and I don't drive a

1 cab.

2 So, I don't know what the fee
3 should be. But we're looking for a number, so
4 that we can do the surcharge for 60 days.
5 We're going to review the continued rate.

6 And it is only talking about fuel
7 costs. The rest of it will all come together,
8 is that April, whatever the date is, that
9 we're supposed to have these regulations ready
10 for the meeting and the whole fare, everything
11 will be a totally new system.

12 COMMISSIONER TAPSCOTT: Okay, I
13 hear you Ms. Allen, but nothing I read in this
14 new thing has anything to do with the rates or
15 anything else.

16 COMMISSIONER ALLEN: If you're
17 going to pay for sitting on a meter, Mr.
18 Tapscott, that's got to have something there.
19 I don't know much, but I know when I sit down
20 now it's going to cost me \$4.00, immediately.

21 That changed the rate of what it
22 cost me when I sit down before you put the

1 meter in the cab. So that's where that is.

2 CHAIRPERSON SWAIN: Mr. Wright.

3 MR. WRIGHT: I'm amazed at what
4 I've heard today. And I said it before, and I
5 don't understand why you gentlemen don't
6 understand.

7 Your head is on the chopping
8 block. Your head is on the chopping block, do
9 you understand? Because the Mayor has said
10 there's no more shared rides.

11 COMMISSIONER ALLEN: Except Union
12 Station.

13 MR. WRIGHT: Every radio, except
14 Union Station. Every radio cab in here, I
15 tell them all to come, and they're all scared
16 to death right now, on what's going to happen
17 because they never shared rides.

18 So don't say it's not going work,
19 they're doing it ain't going to have no effect
20 on them. It is going to have everything to do
21 with it.

22 Now, let's be fair. The last time

1 we went up, we had guys and ladies driving
2 cabs, going from Children's Hospital over here
3 with five people in the car, they got five
4 dollars, not one dollar.

5 Stop kidding yourselves. People
6 are not stupid. Because they got a dollar for
7 every fare. The got a dollar from every fare.

8 MR. PRICE: \$1.50 for each person.

9 MR. WRIGHT: They got a dollar for
10 every fare. And everyone of you all --

11 (Many people talking at once.)

12 CHAIRPERSON SWAIN: Mr. Wright has
13 the floor.

14 MR. WRIGHT: You got a dollar for
15 every fare, if it was a separate fare, and
16 that's what I'm talking about. I ain't
17 talking about if you had five kids in the car.

18 You got a dollar for every fare.
19 And the Mayor is already saying he's going to
20 eliminate the gravy train, right?

21 Now you're going to get you head
22 on a chopping block, I'm telling you all. It

1 ain't going to kill you to wait two months,
2 you're playing with their job. You're playing
3 with your future now.

4 Don't give nobody nothing to kill
5 you with. This ain't going to help you.
6 You're going to get a couple of dollars for
7 the next two months, and lose everything.

8 Because it's going to be you, I'm
9 telling you, I am not stupid. Everybody in
10 here, I've pleaded with the Commission, don't
11 do it. Don't do it.

12 Because you're going to kill these
13 jobs because you're greedy. And I say you're
14 greedy because you're not willing to wait for
15 two months and let this issue be a dead issue.

16 Let this issue be a dead issue.
17 And then you can get your fare, if you're
18 still around to get your fare. Because you
19 may not even have a job.

20 Because we don't know that Graham
21 is going to be able to do what he say. And
22 the Mayor is saying for a time it's just a

1 meter. And I'm telling you all, you all have
2 got to look at what's going on.

3 Please. We're out here fighting
4 every day, trying to save your job. Don't
5 take a knife and stick it up your back and cut
6 our heads off while we're trying, you can't
7 fight for you if you're going to kill
8 yourself.

9 You're shooting yourself in the
10 foot right now. You're shooting yourself in
11 the foot right now. Believe it when I tell
12 you. I'm sorry that this room isn't full,
13 because if it was full, I believe the majority
14 of the Cab Drivers would understand what I'm
15 saying.

16 It is not going to help you to get
17 a raise for the next two months, and then turn
18 and, the Mayor is going to say, hey, the fares
19 are going to be cheaper under my scheme.

20 That's what he's going to tell the
21 folks. And that's what he's already telling.
22 You all read the paper. Look at all that

1 stuff he's got these books in there. It can
2 kill you.

3 They've got enough stuff in there
4 that can kill you overnight. Please, try to
5 help us to get this zone meter put to, at
6 least let you stay with what you got.

7 You're going to kill yourself. Go
8 ahead, I can't help you.

9 CHAIRPERSON SWAIN: Okay, this is
10 my last go around. Mr. Abdul Kareem.

11 MR. KAREEM-AMED: You know, if we
12 waiting for a meter or whatever, we are
13 talking about right now. We are paying \$3.00
14 and something gas.

15 So if we, if we can't get a dollar
16 raise for our gas, you know, I'm still in the
17 cab, we still, we can't fight, we can't come
18 to meetings, we can't discuss it.

19 But right now we pay out of our
20 pocket. The money is coming back, it's not
21 coming back to us. So I think it's my opinion
22 that we need, if we, you could give us a

1 surcharge gas, we'll take it.

2 CHAIRPERSON SWAIN: Ms. Robinson.

3 MS. ROBINSON: Right, in other
4 jurisdictions, you know, they're compensated.
5 Now, there are a lot of things that are
6 supposed to be changing in these proposed
7 regulations.

8 I'm a radio driver, and they're
9 going to start making the radio fee \$1.50,
10 instead of \$2.00.

11 CHAIRPERSON SWAIN: That's been
12 corrected already.

13 MS. ROBINSON: Well, but, my thing
14 is we're supposed to be able to get a fair
15 return from our investment, you know. And it
16 really, it really scares me to hear these two
17 experienced drivers talking about we don't
18 want to put people out.

19 People are going to ride in cabs
20 who need cabs, forever. We're not putting
21 nobody out. And one dollar, now you tell me
22 what can you go, if you go to the Safeway, you

1 can't even buy a loaf of bread with a dollar.

2 You need, and if you're doing
3 Roman Meal, you spend almost \$3.00 a loaf.

4 CHAIRPERSON SWAIN: Just like every
5 other citizen in Washington, D.C., ma'am.

6 MS. ROBINSON: Yeah, but they're
7 not self-employed like we are. Maybe they're
8 not going through all these things.

9 CHAIRPERSON SWAIN: Mr. Price, go
10 ahead.

11 MR. PRICE: My final comments, and
12 I don't like disagreeing with Mr. Wright, but
13 you know we both were on that panel with
14 Causton Toney and when I looked at it as being
15 19 point something percent, and I said, well,
16 20 percent, you say ten percent.

17 Democratically, you all had the
18 votes and I surrendered. I didn't argue. I
19 didn't argue at all.

20 Now, a dollar is just simplistic,
21 that's all, one dollar. You know, the riding
22 public, at least not the ones I got, I don't

1 care where they were going, some complained,
2 but some people complain, I don't care if we
3 raise it to a quarter, they're going to
4 complain.

5 The problem is that, you know, we
6 can't continue to lose some money in the
7 course of doing business. My tires, last year
8 when I bought tires, they were \$119.00 a
9 piece.

10 Now the same tires are \$146.00,
11 you know, a piece. So, all I'm saying is that
12 I'm not being compensated for that. I didn't
13 get ten percent off that cost of doing
14 business, where tires are just one thing,
15 didn't cover the cost of my tires.

16 Because by February I might
17 replace two of my tires. You know, the cost
18 that you have espoused all these years,
19 doesn't cover the cost of me having the kind
20 of car and the kind of equipment, safe
21 equipment that I want.

22 So all I'm trying to say is that

1142

1143
1144
1145
1146

1 the dollar gasoline, for gas, isn't killing,
2 isn't killing anybody, if they need a cab.

3 And as far as bringing five people
4 from Hospital Hill to Southeast, with
5 children, you can't get five passengers in the
6 car, even with kids.

7 CHAIRPERSON SWAIN: Thank you. Mr.
8 Parker.

9 MR. PARKER: Yes, Al Parker,
10 Washingtonian 24. I'm thinking with this gas
11 thing, it started out in '70, '71, I remember
12 back, I bought a new car. I couldn't drive it
13 due to the fact the gas was so high.

14 And I've been in business since
15 then or even before that. And there should
16 have been something in place, I think, to take
17 care of this type of thing.

18 CHAIRPERSON SWAIN: Okay, sir, you
19 are the last person.

20 MR. PRATHER: Thank you, at the
21 moment I'm speaking from the position of a
22 citizen, just with the issue of fuel, that's

1 for me a no-brainer.

2 The way I would approach the
3 problem would be to do, and I don't think I'm
4 wrong, if I've learned how big business looks
5 at fuel, which is they want to know, they want
6 to get ahead of the curve.

7 They don't, big business doesn't
8 stand and wait to react to news, they want to
9 get in front of the news. And with gasoline,
10 that's where we seem to be, are we going to be
11 reactionary or do we want to get ahead of the
12 curve.

13 What I would do, I love looking at
14 old prices. Let's get prices from maybe,
15 maybe ten years. I'm sure there's somewhere
16 there's a data bank where you can get
17 quarterly information on gasoline for the
18 last ten years.

19 When you do that, you study the
20 average increase. You will come up with an
21 average number. Average numbers rarely lie,
22 they come from a history of numbers. Some of

1 it on the right side of the law, some, but
2 numbers don't lie.

3 (Laughter.)

4 If you study them for a while,
5 they begin to tell a story. And I believe the
6 fuel will tell a story of percent increases.
7 As you said, this war might make a spike that
8 is out of place, but we couldn't go wrong in
9 seeing ten years of study, find an increase
10 and get ahead of it.

11 Have the increase in place, round
12 it off maybe nice, and don't look back. And I
13 have a funny feeling this is exactly how
14 bigger industries do their thing.

15 I do not think they stand around
16 and beat around by fuel prices.

17 CHAIRPERSON SWAIN: Ms. Travis.

18 COMMISSIONER TRAVIS: I just wanted
19 to, I have a short memory. The last surcharge
20 that we had, I don't believe that we had
21 reached \$3.00. We were close to it, but we
22 hadn't reached \$3.00. Right now we are above

1 \$3.00. I think the last I heard a couple days
2 ago that gas in the Washington area was \$3.11.

3 I haven't heard in the last day or
4 so, but I know a couple of days ago it was
5 \$3.11. So I don't why we're quibbling over
6 whether or not there should be a gas --

7 MS. THOMPSON: Miss Travis, the
8 last surcharge the gasoline was \$3.23.

9 COMMISSIONER TRAVIS: When we did a
10 last surcharge?

11 MS. THOMPSON: May 23rd, 2007.

12 COMMISSIONER TRAVIS: It was \$3.23.
13 Well, even at that, I feel that right now we
14 want drivers. I always say I want drivers,
15 not to be able to go out there and make enough
16 money for their needs, I want them to be out
17 there meeting their needs, at the same time
18 they are accommodating passengers who need
19 cabs.

20 And I said I personally see
21 nothing wrong with giving the dollar
22 surcharge. And if we could possibly follow

1 what Mrs. Allen had said here, that we could
2 make, if it goes below a certain point, make
3 the adjustment, you know.

4 MS. THOMPSON: I do, whatever the
5 surcharge is, the Commission has to come up
6 with a basis for why it selects that number.

7 COMMISSIONER TRAVIS: Could you
8 speak a little bit louder?

9 MS. THOMPSON: Yes. Whatever the
10 number is that you choose, the Commission has
11 to come up with a reasonable basis for why you
12 selected that number.

13 COMMISSIONER TRAVIS: Well, the
14 cost, on the cost of gasoline going up and
15 down, maybe to \$95.00 a barrel. A week or so
16 ago it was \$100.00 a barrel. So that's
17 fluctuating back and forth.

18 But the other two times that we've
19 done a gas surcharge, it was below \$3.23 and
20 we felt the need for it. And I just don't see
21 what the quibbling is about.

22 The Drivers need the gas

1 surcharge.

2 MS. THOMPSON: I just want to share
3 with you, we had a number of inquiries, and so
4 there needs to be a response back to, whether
5 it's the media or citizens that there is a
6 surcharge.

7 They're challenging, questioning
8 what amount of the surcharge, how the
9 Commission came up with that number. So I
10 think the Commission needs to give some
11 thought to that.

12 COMMISSIONER TRAVIS: I think that
13 we can justify it. You know, not only gas is
14 going up, but so is the world going up.

15 MS. THOMPSON: What is happening is
16 if you gave a rate increase when it was two
17 something, and you are trying to match some
18 figure, I don't know what figure, then you can
19 make a decision based on that, the last, if
20 you look at the chart.

21 Your last rate increase was in
22 January, '06. Your last permanent rate

1 increase. And if you look at what the price
2 of gas was then.

3 And then you can make a decision
4 based on looking at that, and what you feel it
5 might be going forward. And at least that
6 provides a reasonable, legal basis for
7 whatever your increase is.

8 COMMISSIONER TRAVIS: It also shows
9 the gas surcharge that we made before.

10 CHAIRPERSON SWAIN: Well, what was
11 your rationale for making that surcharge at
12 that particular time?

13 COMMISSIONER TRAVIS: Because the
14 cost of gasoline went up.

15 MS. THOMPSON: I'm trying to look
16 at what your rate increase, what was the price
17 of gas in D.C. when you had your last
18 permanent rate increase? \$2.43.

19 And then you're going to make some
20 decision, going forward, as to what you'd like
21 it to be. And you need to use that as the
22 basis.

1 COMMISSIONER TRAVIS: When we made,
2 asked for the gas surcharge, we weren't basing
3 on the rate increase, we were basing it on
4 what the gasoline prices were.

5 MS. THOMPSON: All I'm saying is
6 we've got two challenges. We've got to do a
7 rule making. We've got to say what, we've got
8 to have something, not just someone said a
9 dollar and it's okay.

10 So, I'm offering you an option
11 here. Look at \$2.43, look at what it is
12 today, it's \$3.11. And so you can, I'm just
13 giving you something you can work with.

14 (Many people talking at once.)

15 CHAIRPERSON SWAIN: You're right,
16 food and everything. Mr., I want to get back
17 to the original, Mr. Carter, restate your
18 motion with a price in it, let's get rolling.

19 COMMISSIONER CARTER: I move that
20 we, I accepted her, I accepted her friendly
21 amendment. Ms. Allen, if you will please put
22 a \$3.04 trigger in there, I'd appreciate it.

1 COMMISSIONER ALLEN: A \$3.04
2 trigger to, let me read and maybe that may
3 help.

4 A fuel surcharge for, and the
5 gentleman agreed to 60 days, with a review of
6 a continued ruling for placing surcharges in
7 effect, based on current cost.

8 CHAIRPERSON SWAIN: All right.

9 COMMISSIONER ALLEN: Okay, that was
10 mine. And then the price of, I didn't do
11 that, because we hadn't come up with a price.
12 The price of the surcharge will be, we didn't
13 come up with a price.

14 COMMISSIONER CARTER: I asked for a
15 dollar.

16 COMMISSIONER ALLEN: The price of
17 one dollar surcharge.

18 COMMISSIONER CARTER: Right. The
19 Chair wants a trigger. The trigger for me
20 would be \$3.04.

21 CHAIRPERSON SWAIN: I don't believe
22 I asked you for anything.

1 COMMISSIONER ALLEN: That's in the
2 upcoming, after we do the surcharge and --

3 COMMISSIONER CARTER: That's
4 afterwards? Okay, sorry, Mr. Chair.

5 COMMISSIONER ALLEN: -- and we look
6 at all the data and come up with, maybe even
7 come up with an actual contingent. That's
8 after the 60-day period.

9 CHAIRPERSON SWAIN: Okay, so is it
10 my understanding that it is Ms. Allen's or Mr.
11 Baker's --

12 COMMISSIONER ALLEN: Mr. Baker?

13 CHAIRPERSON SWAIN: I'm sorry, Mr.
14 Baker. I'm sorry, Mr. Carter. Is that Mr.
15 Carter's motion that we institute a surcharge
16 for a period of 60 days, at --

17 COMMISSIONER CARTER: One dollar.

18 CHAIRPERSON SWAIN: I wanted you to
19 say it.

20 COMMISSIONER CARTER: With the
21 following, Ms. Allen, please?

22 COMMISSIONER ALLEN: A review of a

1202

1203
1204
1205
1206

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 continued ruling for placing surcharges in
2 effect based on current cost.

3 CHAIRPERSON SWAIN: Okay, it's been
4 moved and properly seconded. I call for the
5 vote. Roll call vote, please?

6 MS. THOMPSON: Ms. Travis?

7 COMMISSIONER TRAVIS: Aye.

8 COMMISSIONER ALLEN: Aye. I'm Miss
9 Allen, since it's a roll call.

10 MS. THOMPSON: Did you, did you say
11 aye?

12 COMMISSIONER ALLEN: Yes.

13 MS. THOMPSON: Mr. Tapscott?

14 COMMISSIONER ALLEN: Are you
15 calling it?

16 CHAIRPERSON SWAIN: Yeah, she's
17 calling it.

18 MS. THOMPSON: Yes. Mr. Tapscott?

19 COMMISSIONER TAPSCOTT: Pass for
20 right now.

21 MS. THOMPSON: I'm sorry, what did
22 he say?

1 CHAIRPERSON SWAIN: He said pass.

2 COMMISSIONER TAPSCOTT: As of now.

3 MS. THOMPSON: Mr. Carter?

4 COMMISSIONER CARTER: Yes.

5 COMMISSIONER ALLEN: The
6 Chairperson doesn't get to vote, Madame
7 General Counsel, unless they're breaking a
8 tie, and it is not a tie.

9 (Many people talking at once.)

10 CHAIRPERSON SWAIN: Okay, I will
11 look for a motion to close this meeting.

12 COMMISSIONER TAPSCOTT: No, wait a
13 minute, hold it. I did not, I just asked to
14 pass at this time, which means come back at
15 me.

16 CHAIRPERSON SWAIN: Okay, Mr.
17 Tapscott, it's back on you.

18 COMMISSIONER TAPSCOTT: Well, I
19 just wanted the record to be clear.

20 CHAIRPERSON SWAIN: Okay.

21 COMMISSIONER TAPSCOTT: I'm going
22 to vote for yes, but with reservations.

1214

1215
1216
1217
1218

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Because I think we need a gas surcharge, but
2 I'm wondering whether we really looked at it
3 as a dollar being the right thing. That's
4 all.

5 CHAIRPERSON SWAIN: Okay, so we've
6 got one, two, three, four, five, I've voted
7 for, let's do it.

8 COMMISSIONER CARTER: At this time,
9 Mr. Chair, I move that we --

10 COMMISSIONER TRAVIS: You're not
11 going to adjourn, are you?

12 CHAIRPERSON SWAIN: As soon as he
13 puts the motion up.

14 COMMISSIONER TAPSCOTT: Have we
15 covered everything on the agenda?

16 CHAIRPERSON SWAIN: Yes. Mr., I'm
17 sorry, Ms. Travis wants to say something.

18 COMMISSIONER TRAVIS: Before we
19 adjourn, you know, usually we put this in, we
20 usually say, you know, to take place
21 immediately.

22 But this time the Drivers always

1220

1221

1222

1223

1224

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 lose a week or two.

2 COMMISSIONER TAPSCOTT: No date or
3 no nothing, that's for the Drivers.

4 COMMISSIONER TRAVIS: You know,
5 waiting for getting the paperwork and
6 everything done. I think it would be better
7 if we just moved it so it will not become
8 effective before maybe seven days or something
9 like that.

10 CHAIRPERSON SWAIN: Well, we have
11 to find out how long it's going to take to get
12 the stickers and everything printed up.

13 COMMISSIONER TRAVIS: Right, so
14 that's why they're going to lose.

15 MS. THOMPSON: After 60 days.

16 COMMISSIONER CARTER: That's why I
17 asked for 60 days, Theresa. It's going take
18 us awhile. So, even though I'm asking for it
19 now, there's still, there's always been a time
20 frame where time has been lost.

21 And I don't, I'm not asking that
22 it take effect immediately, for the simple

1 reason that I want everything in place,
2 stickers to owners, etcetera, etcetera, before
3 we say anything to or any type of press
4 release.

5 I just want, I want everything,
6 when we walk out, when it goes out it should
7 go out simultaneously.

8 In other words, these guys have
9 the, guys and gals have the stickers on their
10 window before the announcement.

11 COMMISSIONER TRAVIS: You're
12 talking about 60 days from today or 60 days
13 from when?

14 COMMISSIONER CARTER: I'm talking
15 60 days for the first publication.

16 COMMISSIONER TRAVIS: Okay.

17 COMMISSIONER CARTER: First
18 publication of stickers.

19 COMMISSIONER TRAVIS: Okay, because
20 otherwise if we were to say 60 days from the
21 day we passed it, and 50 days, because they
22 will lose about ten days.

1232

1233
1234
1235
1236

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 COMMISSIONER CARTER: We'll lose
2 about ten days, yeah. I want 60 days from
3 first publication.

4 COMMISSIONER TRAVIS: All right.

5 CHAIRPERSON SWAIN: Ms. Allen.

6 COMMISSIONER ALLEN: Mr. Carter, is
7 that a motion?

8 COMMISSIONER CARTER: My motion is
9 to adjourn the meeting right now.

10 CHAIRPERSON SWAIN: No, no, no, no.

11 COMMISSIONER CARTER: I'm sorry. I
12 move that it be 60 days from first
13 publication, first publication. First
14 publication meaning that the fellows, ladies
15 and gentlemen have the stickers in their hand,
16 owners have already turned them over and that
17 we, that the Commission then announces.

18 And I think it will probably take
19 us about, you're right, seven to 15 days
20 before we actually see it.

21 CHAIRPERSON SWAIN: We will start
22 working on that today, sir.

1 COMMISSIONER CARTER: I'm sure you
2 will. I'm sure you will, Mr. Chair.

3 CHAIRPERSON SWAIN: Ms. Allen.

4 COMMISSIONER ALLEN: I was just
5 getting ready to ask the General Counsel, when
6 you move this to rule making, when does it
7 come into effect?

8 MS. THOMPSON: The date it's
9 actually --

10 COMMISSIONER ALLEN: The day that
11 it's voted on.

12 MS. THOMPSON: Yes.

13 COMMISSIONER ALLEN: So are we
14 voting on it as an emergency today, it goes
15 into effect today --

16 MS. THOMPSON: In order, I'll tell
17 you what we have done in the past. We
18 actually put two dates on the sticker,
19 because, just to avoid confusion.

20 So it will say effective such and
21 such a date, as far as such and such a date.
22 And what it will be doing is giving 60 days.

1244

1245
1246
1247
1248

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRPERSON SWAIN: It will start
2 when I say so.

3 COMMISSIONER ALLEN: But that's, I
4 just wanted to know because it's an emergency.

5 COMMISSIONER TAPSCOTT: Mr.
6 Chairman, I've had my hand up for a half an
7 hour.

8 CHAIRPERSON SWAIN: You're not the
9 only one. Go ahead, Mr. Tapscott.

10 COMMISSIONER TAPSCOTT: You know,
11 that's why I was so reluctant with my vote.
12 We sit here and we pass things and we don't
13 know what the effect of it is.

14 We did not say what date it was
15 going to be on. We don't know how long it's
16 going to be the stickers. So all of those
17 things was the reason why I was reluctant.

18 And I was going to ask, Mr.
19 Chairman, before you adjourn the meeting, will
20 you please iron out all of these things, so
21 when we all leave here, we know the date it's
22 going to start and we know how long it's going

1 to take the stickers and everything.

2 So if you pass a 60-day period,
3 right now, and it's going to take us a month
4 to get the stickers, we have lost 30 days of
5 it.

6 And that was the reason why I was
7 reluctant to vote at that particular time,
8 until all of the stuff was ironed out. And I
9 think there's a lot that needs to be ironed
10 out, before we leave here.

11 CHAIRPERSON SWAIN: Mr. Tapscott,
12 until we talk to the printer and find out how
13 soon he can turn these stickers around, I have
14 no way of knowing until we find out from the
15 printer.

16 COMMISSIONER ALLEN: It's 24-hour
17 turnaround.

18 COMMISSIONER CARTER: It's supposed
19 to be, but it never is. It never is.

20 CHAIRPERSON SWAIN: So, when we
21 make the first public announcement that it's
22 in effect, I've been given the marching orders

1 by the Commission. We will move at all haste
2 to make sure that we get it.

3 But until it's announced by this
4 Commission, there is no surcharge until we
5 have the proper documentation and everything
6 put out on the street.

7 COMMISSIONER TAPSCOTT: Are we
8 going to hear, Mr. Chairman, as we heard
9 before, we don't have the money to print up
10 the stickers?

11 CHAIRPERSON SWAIN: Mr. Tapscott,
12 Mr. Tapscott --

13 COMMISSIONER TAPSCOTT: I'm asking
14 a question?

15 CHAIRPERSON SWAIN: And I'm trying
16 to answer you.

17 COMMISSIONER TAPSCOTT: Okay.

18 CHAIRPERSON SWAIN: Mr. Tapscott, I
19 just told you that we're going to move on
20 this. Nobody said anything about funding. I
21 told you that it was the will of the
22 Commission and we're going to move on it.

1 Now, I cannot print them any
2 faster than the printer puts them out there or
3 any faster than I get out of here and place
4 the order to have them printed.

5 If you all keep asking questions,
6 I keep sitting.

7 COMMISSIONER CARTER: At this time,
8 I request that we adjourn the meeting.

9 COMMISSIONER TRAVIS: I second
10 that.

11 CHAIRPERSON SWAIN: Thank you.

12 (Whereupon, the above-entitled matter was
13 concluded at 1:33 p.m.)

14

15

16

17

18

19

20